ENGLAND'S
EPINOMIS.

BY

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TO THE READER.

THIS *Appendix* or Addition to what had been formerly collected by others, of our ancient Conſtitutions, needs no farther Recommendation, than the great Name and Learning of the Author: It was an Eſſay of his younger years, and one of the fruits of his firſt and earlieſt Inquiries. The Reader will here meet with the true Original (as well under the *Roman*, as the *Saxon* and *Norman* Governments) of ſeveral of our Laws which are now in force, and the Miſtakes in *Polydore* and others, diſcovered: The famous Conſtitutions of *Clarendon* (ſo much oppoſed by *Becket*) faithfully recited, and purged from the Errors which had crept into thoſe Copies formerly publiſhed: An account of the *Magna Charta* of King *John*, and the differences between *it* and *that* granted by his Son *H.* 3. which we

have in the Fore-front of our Printed Statutes: A Correction of our printed *Charta de Foreſta*; with other Curious and Judicious Remarks upon theſe Subjects, not heretofore extant; which it is not doubted will for their own ſake, as well as their Authors, find a welcome Reception from all knowing Perſons, eſpecially from the Learned Profeſſors of our *Engliſh* Laws.

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CHAP. I.

From the first supposed Inhabitants and Britains *until* Julius Cæsar.

IF all publisht Authority were a legitimate Brother to Truth's certainty, then could I affirm, that their common Father, old Time, once saw a *Samothean* race in this Isle of *Britany*. The *Italian*-bred-*Chaldee Berosus* mentions one *Samothes*, Brother to *Gomer* and *Tubal*, of *Japhet*'s line, to be Author of the *Celtes*, which inhabited (with other parts of *Europe*) that of *Gaule*, which we now call *la France*: and his Commentator *Annius de Viterbo* thus addeth, *Samothes fuit frater Gomeri atque Tubalis ex Japete patre, à quo primùm Britones, inde Galli, Samothei dicti fuerunt: & præcipuè Philosophi & Theologi Sectatores ejus.* These *Samotheans*, by the testimony of *Aristotle* and *Sccion*, *divini atque humani juris peritissimi, & ob id religioni deditissimi, & propterea Samothei* (rather *Semnothei*) *appellati*, under the providence of these and their race was the Law-government of the State, until that *Trojan* celebrated branch, *Brute*, entred the Isle: who composed a Book intituled *Leges Britonum*, collected out of the *Trojan* Laws. But to ruminate a little upon that *Saturnian* Age, and omit all Shadow-fights touching controverted *Brute* (his supposed existence and fortunes) it may be not without good reason doubted, whether any such Laws of *Troy* were, out of which others might be extracted. Nor will they peradventure upon examination (excepted only some Customs of Religious Rites) appear more certain in particular, or more true in general, than those of *Aristophanes* his *Nephelococcygia*. Times so near the Golden Age (when as

V. Sr. *W. Raligh fol.* 118.

Beros. antiq. Chald. lib. 5. & ad eum Annius de Viterbo.

Diog. Laert. in vita Philosop. lib. 1. & vide Basingstocke hist. lib. 1. Flor. hist. ætat. 3. hist. pag. 18.

Georgic. 1. *Nec ſignare quidem, aut partiri limite campum———*

Senec. Epiſt. 91. *Nec cuiquam* (as *Seneca* hath it) *aut animus aut injuria aut cauſa*) have left few notes of expreſly binding Laws, the main Government conſiſting in the arbitrary diſpoſition of thoſe, in whom being choſen as Princes for their eminency in Juſtice, and conſequently in all other Vertues (as *Deioces* was of the *Medes*) it was rather an Office, than a Title of Dignity, to undergo the ſtyle of Monarch. And although it be reported in *Plato*, That *Talus* ('twixt whom and *Rhadamanth*, the *Cretique* Juſtice was by *Minos*, *Jupiters* own Son, then King of *Crete*, divided) thrice every year did make his Circuit, for maintenance of ſuch Laws, as were eſtabliſhed, and in Brazen Tables regiſtred; one of which (ſomewhat to particularize) was an Edict againſt Drunkenneſs in merry meetings; ſo that Conſtitutions in written Tables may thus derive their pedigree from the moſt ancient remembrance of *Grecian* diſcoveries (*Ceres* and her *Theſmophoria*, with all ſuch like omitted) yet upon that common Epithet of *Agamemnon* in *Homer*, which ſaluteth him Ποιμένα Λαῶν, *i. e.* Shepherd of the people, where the phraſe of *Jove*'s free gift to Princes and Judges of

Herodot. l. 1. Officium erat imperare, non Regnum, Seneca. Plat. in Minoe.

Iliad α'. & ſæpius alibi. —— Σκῆπτρον τ' ἠδὲ Θέμιστας.

Joſeph. contra Appion. lib. 2. Plutarch. in lib. de Homero. Οδυσσ. ρ. & Heſiod. in Theolog. Æneid. 5. & 7. is very frequent, the word Νόμος, *lex*, being long ſince obſerved not only to be not found in any of his works, but alſo to have been of later birth than his Age permitted, (unleſs the contingency, which Εὐνομία, coming from the ſame Theme, both by him and *Heſiod* remembred, hath with it, perſwade the contrary, and upon the ordinary phraſes in *Virgil* of *Jura vocatis dare populis*, and ſuch like, applied to *Trojan* Princes) we may with probability enough conjecture that their Laws, being, as the *Platoniſts* term it, *ſecundæ Veneris*, were alwayes cloſely folded, rather within the treaſury of his breaſt, which was only therefore greater than other, becauſe he ſeemed beſt of them all, than publiſhed in enduring Tables, to be obſerved as dumb Magiſtrates; *Et quidem initio Civitatis* (ſaith *Pompinus*) *populus ſine certâ lege, ſine certo jure agere inſtituit, omniaque manu Regis gubernabantur.* But from this digreſſion into the way again.

Summa fœlicitas erat gentium in quibus non poterat potentior eſſe niſi melior. Senec. Epiſt. 91. L. 2. ff. orig. juris.

One of this Succeſſion *Dunvallo Molmutius*, inſtituted (as they write) *ut aratra, templa viæque ad Civitates ducentes immunitate confugii gauderent. Verum quia ſuccedente tempore de viis* (*cum non eſſent certis limitibus diſtinctæ*) *orta eſſet diſſenſio, Belinus Rex filius prædicti Molmutii, ad ſubducendum omne ambiguum, Quatuor regales vias, omni privilegio munitas, per Inſulam ſterni fecit: Foſſam ſcilicet, Watling ſtreete, Erming-ſtreete & Ikenild-ſtreete*; which rather (by *Camden*'s Judgement) were the *Romans* works, as out of *Tacitus*, *Beda*, and other Teſtimony he collecteth. *Hic leges* (meaning *Dunvallo*) ſaith *Jeoffrey* of *Monmouth*) *quæ Molmutinæ dicebantur, inter Britones ſtatuit, quæ uſque ad hoc tempus inter Anglos celebrantur. Statuit ſiquidem inter cætera, quæ multo poſt tempore beatus* * *Gildas ſcripſit, ut templa Deorum & Civitates talem dignitatem haberent, ut quicunque Fugitivus ſive reus, ad ea confugeret, veniam coram inimico ſuo haberet. Statuit etiam ut viæ, quæ ad prædicta templa & Civitates ducebant, necnon & aratra colonorum, eadem*

Ranulph. Ceſtren. in polychronico. Galfred. Monumeth. lib. 1. cap. 16. & Matth. Weſtmonaſt. fo. 52. Camden in Rom. in Brit.

* V. Spelmans Gloſſ. del ley Molmutii, tit. Lex. 441.

eadem lege confirmarentur. Of the Gynæcocracy of *Martia*, Wife to King *Guinthelin*, a Woman very learned, thus ſpeaks the ſame Author; *Inter multa & inaudita, quæ proprio ingenio invenerat, invenit legem, quam Britones Martianam vocaverunt. Hanc etiam Rex Aluredus inter cæteras tranſtulit, quam Saxonicâ linguâ Marchenlage vocavit*; which name by our great *Engliſh* Antiquary, is rather deduced from the *Mercii*, whoſe limits (mæpc in *Saxon* ſignifying a limit) adjoyned in ſome part to all the other Kingdoms of the *Germans* here eſtabliſhed; and they thence ſo denominated. I could wiſh for a ſight of *Jupiter*'s *Diphtere*, or an Oracle from *Apollo*, that ſo, reſolution might be had touching the certainty of theſe reports, whether fabulous, or ſealed with the ſtamp of a true Hiſtory. The main Authors are that *Chaldee* Prieſt and the *Arthurian Jeoffrey*; both exceedingly ſuſpected, but eſpecially the firſt, by the penetrating Judgements of moſt learned men. But admitting them, as your Mercurial Spirit ſhall move you, you have a fair paſſage from theſe Mythick reports, ſelected out of Bardiſh Hymns, unto moſt allowed truths of authentick Hiſtorians.

Galfred. Monumeth. lib. 1. cap. 20. & Flor. hiſtor. pag. 56.

Camden in append. ad Cornavios.

CHAP. II.

Out of Roman *Hiſtories from* Julius Cæſar *to the period of* Rome's *Empire in this Land.*

JULIUS CÆSAR (who firſt of the *Romans* ſet foot in this little World divided from the greater) diſcovered among the *Gauls* their order of Government, and form of deciding controverſies by Law: which was wholly the office of the *Druides*, then being (as it ſeems) the *Togata Militia* of the State. Their Diſcipline, he affirms, was firſt found in this Iſle, and hence transferred to the old *Gauls*: They hither always ſent their youth, as to a Seminary of that Learning.

Cæſ. de bello Gall. lib. 6. & Strabo, lib. 4. Geograph.

I. *Illi rebus divinis* (*Cæſar*'s words) *interſunt, ſacrificia publica ac privata procurant, religiones interpretantur.*

II. *De omnibus controverſiis publicis privatiſque conſtituunt*, (the pontifical Colledge of old *Rome*, after the Twelve Tables received, did as much) *& ſi quod eſt admiſſum facinus, ſi cædes facta, ſi de hæreditate, de finibus controverſia eſt, iidem decernunt, præmia pœnaſque conſtituunt.*

L. 2. ff. de Orig. juris.

III. *Si quis privatus, aut populus, eorum decreto non ſtetit, ſacrificiis interdicunt: hæc pœna* (yet it was but like the *minor excommunicatio* uſed in the Chriſtian Church) *apud eos eſt graviſſima.*

IV. *Quibus ita eſt interdictum, ii numero impiorum ac ſceleratorum habentur; ab iis omnes decedunt, aditum eorum ſermonemque defugiunt* (theſe conſequents make it as the greater Excommunication) *ne quid ex contagione incommodi accipiant: neque iis petentibus jus redditur* (the ſelf ſame in proportion remains yet with us in practice) *neque honos ullus communicatur.*

Juxta item lex civilis & Canonica. Extra de excepr. c. except (de ſacroſanct. Eccleſ.)li. placet.

V. *Druidibus præeſt unus, qui ſummam inter eos habet authoritatem.*

VI. *Hoc mortuo, ſi quis ex reliquis excellit dignitate, ſuccedit; ac ſi ſint pares plures, ſuffragio adlegitur.*

VII. *Druides à bello abeſſe conſueverunt, neque tributa una cum reliquis pendunt* (our Clergy in effect hath retained as much) *Militiæ vacationem omniumque rerum habent immunitatem.*

VIII. Such large Priviledges occaſioned increaſe of their Scholars, *Qui magnum* (ſaith he) *numerum verſuum ediſcere dicuntur. Itaque nonnulli annos vicenos in diſciplinâ permanent, neque fas eſſe exiſtimant ea literis mandare, cum in reliquis ferè rebus publicis privatiſque rationibus, Græcis literis utantur.* Hence ſome infer that the Tongue of the old *Gauls* was *Greek*, but clearly that the *Druides* wrote in it: I am not perſwaded to either. *Græcæ literæ* is not always *Latine* for the *Greek* Tongue; So might we ſay, that the *Syriack* Teſtament were perfect *Hebrew*, becauſe *Literis Hebraicis exaratur.* As for inſtruments of commerce written at *Marſile*, ἑλληνιστὶ (as *Strabo* reporteth) it proves only that a *Greek* Colony (for it was from the *Phocians*) uſed *Greek*. But *Cæſar* alſo ſpeaks of Tables found in the *Helvetians* Tents, *Græcis literis exaratas.* We may interpret both for the Character only, which perhaps even the *Græcians* thence borrowed. Of this place of the *Druides* it is the cenſure

Strabo, lib. 4. Geograph.

Cæſar de bell. Gall. lib. 1.

ſure of a great Doctor, the Learned *Hotoman*, that *Græcis* hath crept in through fault of Tranſcribers; *Humeris* did in another place in the ſame *Cæſar* ſo thruſt it ſelf unto *Dextris*, as *Lipſius* makes apparent; who is clear of opinion that the whole context of his Commentaries hath ſuffered much alteration and ſpoil by *Julius Cæſar* his interpolation; Nay ſome think they were never ſince the firſt Copy his own. But to prove with a forcible Argument, think you that Greek was ſo familiar with the *Druides?* Why then did *Cæſar* write in Greek to *Cicero*, to this end, that neither the Carrier, being a Gaulenor, nor other of the State, if they were intercepted, might underſtand them? to whoſe hands in time of War ſhould they have come ſooner, than to the Councils, where the *Druides* were chief? So much not amiſs, becauſe it touches the tongue of the Lawyers, uſed in thoſe times.

Hotoman in *Franlog.* cap. 2. Abſolvent te Lectori ſi conſulas, Aldus Manutius ad lib. 6. Cæſaris, Hotomannus in Francogalia, Paulus Merula in Cosmogr. part. 2. lib. 3. cap. 15. & de cæteris, quæ hic ad Cæſarem, Juſtus Lipſius in Comm. ad Tacit. Hiſt. lib. 1. ſect. 100. & in quæſt. Epiſtolic. lib. 2. cap. Elect. lib. 2. cap. 7.

Cæſar de Bell. Gall. lib. 5.

To the former *Druidian* Orders and Conſtitutions are added in *Pliny*, *Strabo*, *Marcellinus*, *Lucan*, *Tacitus*, and others, divers Rites of Religion and Philoſophy, which taſte much of *Pythagorean* doctrine, worthy of obſervation, and applicable as well to this Iſle, as any part of *Gaul*. For as much as not only the Infancy of that Sect had here its nurture, but alſo an identity of Common-wealth, Order, Language and Religion, between the old *Gauls*, and our *Britains*, is by learned *Camden* with ſufficient reaſons of ſtrong proof, in his excellent Chorography of this Country, declared. Fit enough therefore is it to conjoyn alſo the Municipals of the *Gauls*, which by the ſame authority were ſcarce different from the *Britiſh*.

In Prim. Incol.

IX. *Suos liberos niſi cum adoleverint, ut manus militiæ ſuſtinere poſſint, palàm ad ſe adire non patiuntur.*

X. *Viri quantas pecunias ab uxoribus dotis nomine acceperunt, tantas ex ſuis bonis, æſtimatione factâ, cum dotibus communicant; hujus omnis pecuniæ conjunctim ratio habetur, fructuſque ſervantur; uter eorum vitâ ſuperaverit, ad eum pars utriuſque cum fructibus ſuperiorum temporum pervenit.*

XI. *Viri in uxores, ſicuti in liberos, vitæ neciſque habent poteſtatem*; Here *John Bodin* blames *Juſtinian* for confining this power only to the *Romans*.

Bodin. lib. 1. de rep. ca. 4. Juſt. inſtit. tit. de patriâ poteſtate.

XII. *Cum paterfamilias illuſtriore loco natus deceſſit, ejus propinqui conveniunt, & de morte, ſi res in ſuſpicionem venit, de uxoribus in ſervilem modum quæſtionem habent; & ſi compertum eſt, igni* (for a Woman to kill her Husband is now petit-Treaſon; and ſhe ſuffers pains of death by fire) *atque omnibus tormentis excruciatas interficiunt.*

XIII. *Servi & Clientes quos ab iis dilectos eſſe conſtabat, juſtis funeribus confectis, unà cremabantur.*

XIV. *Sancitum ſi quis quid de rep. à finitimis rumore aut famâ acceperit, uti ad magiſtratum deferat, neve cum quo alio communicet.*

XV. *Magiſtratus, quæ viſa ſunt, occultant, quæque eſſe ex uſu judicaverint, multitudini produnt.*

XVI. *De repub. niſi per Concilium loqui non conceditur.*

XVII. *Plerique cum aut ære alieno, aut magnitudine Tributorum, aut injuriâ potentiorum premuntur, ſeſe in ſervitutem dicant Nobilibus: In hos eadem ſunt jura, quæ dominis in ſervos.*

Inde *Wapentach.*

XVIII. *Armati, ita mos gentis erat*, ſaith *Livy*, *in Concilium venerunt.*

Liv. lib. 31.

XIX. In

Plutarch. lib. de virtut. Mul. *Women's rule.* Tacit. in vitâ Jul. Agricolæ & vide Aristot. Polit. lib. 2. cap. 7.

XIX. In respect of quiet composition of seditious tumults among themselves, made by intercession of their weaker Sex, a custome grew among them (*Plutarch* is my Author) that Women also had prerogative in deliberative Sessions, touching either Peace-government or Martial affairs, and *Sexum* (saith *Tacitus* of the *Britains*) *in imperiis non discernunt.*

But *Cæsar* is not without something, which expresly is attributed to our ancient *Britains.*

Cæsar, lib. 5. de bell. gall. *Money.*

XX. *Utuntur numero æreo aut annulis* (some read *laminis*) *ferreis, ad certum pondus examinatis.*

Cambd. 29.

XXI. *Leporem & Gallinam & Anserem gustare fas non putant; hæc tamen alunt animi voluptatisque causâ.*

Timon apud Athen. lib. 12. & 13. Dipnosophist.

XXII. *Uxores habent Deni* (no more disparagement be it to them, than the indistinct and open carnal Congresse reported of the *Thuscans*, the best part of the old *Italians*, or that of the *Athenians* before the Cecropian alteration) *duodenique inter se communes, & maximè fratres cum fratribus, & parentes cum liberis; sed si qui sunt ex his nati, eorum habentur liberi, à quibus primùm virgines quæque ductæ sunt.*

Howsoever *Julius* his imposed Tributes did in some degree diminish their publick liberty; yet that under him, *Octavian*, *Tiberius*, and *Caligula*, they were, in respect of any State-innovation, ΑΥΤΟΝΟΜΟΙ, i. e. using their own Laws, is collected out of *Dio*'s *Roman* History. He speaking of *Plautius* (Lieutenant here to the Emperour *Claudius*) his victorious success against *Togodunus* and *Caractacus*, affirms their ancient Aristocracy, without subjection to strangers, as yet continuing:

Dio Cass. hist. Rom. lib. 60.

Ἦσαν δὲ (saith he) οὐκ ἀυτόνομοι ἀλλ' ἄλλοις βασιλεῦσι προσαγόμενοι. *i. e.* They were not free to live at pleasure of the multitude (not free from superiour Government) but subject to divers Kings, so that until that time continuing their plurality of narrow territoried Princes, they were truly free from all foreign imposition of Laws; which is expresly affirmed in that of *Seneca* the Tragedian, speaking thus of *Claudius*, in the Person of *Octavia* his Daughter.

Senec. in Octa. act. 1.

Cuique Britanni terga dedere
Ducibus nostris ante ignoti
Jurisque sui.

But in his time their times changed, a good part of the Isle conquered, and into a presidial Province reduced. *Colonia* (so speaks *Tacitus*) *Camalodunum* (which was *Cunobelinus*'s Palace or Town-royal, now *Malden* in *Essex*) *valida veteranorum manu deducitur, in agros captivos subsidium adversus rebelles, & imbuendis sociis ad officia legum*; The Verulanian Municipy, celebrated by our noble *Spenser*, and remembred by *Tacitus*, the chief seat of *Cassibellan*, near S. *Albans* in *Hartfordshire*. The *Roman* Colonies at *York*, at *Chester*, (as by an Inscription of an old Coin *Camden* testifieth) at *Gloucester* (proved out of an old stone in *Bath*-Walls by the North-gate there thus charged, DEC. COLONIÆ GLEV. VIXIT LXXXVI) compared with *Claudius* his former recited, are great Testimonies of a great alteration. For although *Munici-*

Tacit. annal. lib. 12. Dio Cass. lib. 60.
Colonia hæc Victricensis dicta in antiqua Inscript. apud Lip. & Camdenum.
Spens. in ruinis Temporum.
Tacit. annal. lib. 14.
Camden in Cornaviis, Dovunis, Brigantibus.

nicipes (as *Agellius* hath it) *ſunt Cives Romani ex Municipiis, ſuo jure & legibus utentes, muneris tantùm cum Pop. Rom. honorarii participes*, yet *Coloniarum alia*, ſaith he, *neceſſitudo eſt ex Civitate quaſi propagatæ ſunt, & jura inſtitutaque omnia Pop. Rom. non ſui arbitrii habent.* Both, as well Municipies as Colonies, had their *Decuriones, Duumviros, Ædiles, Equites*, and ſuch like Orders, and Offices different from all Places where the *Romans* as yet had not ſeated their Empire. Under ſome of the ſucceeding Emperors, *Veſpaſian, Titus* and *Domitian*, was *Julius Agricola*, Father-in-Law to *Tacitus*, here *Roman* Lieutenant: through whoſe perſwaſion to civility, *Habitus* (writeth the ſame *Tacitus* among the *Britains*) *noſtri honor, & frequens toga.* The ſomewhat younger times alſo ſaw *Papinian*, that Oracle of the *Roman* Laws, diſcuſſing at *York*, as, out of *Forcatulus*, *Camden* hath noted.

Agell. Noct. Attic. lib. 16. cap. 13.

Camden in Brigantibus.

When *Commodus* had the Empire, then was *Britain*'s King *Lucius* (of Kings the firſt Chriſtian) who after the receipt of that holy token of regeneration, from *Eleutherius* Biſhop of *Rome*, made a ſecond demand, which by the Pope's returned anſwer you ſhall the better underſtand: *Petiſtis* (ſo was his reſcript, and,

Lambard in Archænom.

Juraque ab hâc terrâ, cætera terra petet,

Ovid. 1. Faſt.

was *Ovid*'s prophecy) *à nobis leges Romanas & Cæſaris, vobis tranſmitti, quibus in regno Britanniæ uti voluiſtis. Leges Romanas & Cæſaris enim nuper miſeratione Divinâ in regno Britanniæ, & fidem Chriſti habetis penes vos in regno, utramque paginam: Ex illis Dei gratiâ, per concilium regni veſtri ſume legem, & per illam Dei patientiâ veſtrum reges Britanniæ regnum; vicarius verò Dei eſtis in regno.* What the ſequel hereof was, thus only appears: that after he had in lieu of the Archflamens at *London, York* and *Caer-leon*, conſtituted three Archbiſhops, with twenty-eight Biſhops in other places, making large Gifts of Poſſeſſions to their Churches, *Eccleſias* (*Matthew* the Monk of *Weſtminſter* ſpeaks it) *cum ſuis cæmeteriis* (if we may believe that then there were with us Church-Yards for Burials) *ita conſtituit eſſe liberas, ut quicunque malefactor ad illa confugeret, illæſus ab omnibus remaneret*, with which the *Britiſh* Conſtitutions and Cuſtoms have here their laſt limit.

Galfred. Monumeth. lib. 2. cap. 2.

CHAP.

CHAP. III.

The Saxon *Customes and Laws (except what is in* Lambard's *Archæonomy) during their Government, until the* Normans.

ITALY had at length so much to do in defence of her self, that she could hardly afford help to others. *Gothick* incursions grew so violent and dangerous, the *Picts* and *Scots* were as troublesome to the *Britains*, who desiring aid of the *Romans*, were in their expectations frustrate: To provide therefore some other way (*Vortigern* being then King) Martial Succour against the Neighbour violence of the Northern People of this Island was requested, and obtained from *Germany*. Thence hither issued *Saxons*, *Jutes* (some will have the old name *Vites*) and *Angles*: which differed more in name, than Nation, and are in good Authors but Synonymies of the same Countrey-people. These in process of time, contrary than the *Britains* first hoped, established to themselves in divers parts of that we now call *England*, several Kingdomes, extruding *Vortigern*'s posterity, and their subjects, into the Western parts, where to this day they remain. And how can we but conjecture that of particular Customes of Law-government in their own Countrey, they made requisite use in this their part of the Island? What those were, until Christianity made some abolition, may best be observed out of *Tacitus de moribus Germanorum*; who relates divers of their Customes, and Rites Religious. But at inquisition of their Superstition we aim not; their profane Laws being chiefly proposed for Collection.

De Germanis vid. plura apud Cæsarem lib. 6. de Bell. Gall. quæ verò huc non proximè spectant.

I. *Rex vel Princeps* (saith *Tacitus*, speaking of some of them, whose antique Reliques seem yet to continue in our Municipals) *prout ætas cuique, prout nobilitas, prout decus bellorum, prout facundia est, audiuntur authoritate suadendi magis quam jubendi potestate: si displicuit sententia, fremitu aspernantur; sin placuit, frameas* (of necessity you must here remember our *Wapentakes*) *concutiunt. Honoratissimum assensûs genus est armis laudare.*

Tacit. lib. de morib Germ.

II. *Licet apud Concilium accusare quoque; & discrimen capitis intendere. Distinctio pœnarum ex delicto, proditores & transfugas arboribus suspendunt, ignavos & imbelles & corpore* (*Lipsius* will have it *torpore*, and shews great reason for it, in love towards his own Countrey) *infames cœno ac palude, injecta insuper crate mergunt. Diversitas supplicii illuc respicit, tanquam scelera ostendi oporteat dum puniuntur, flagitia abscondi.*

Vide leges Ed. Confess. ap. Lamb.

III. *Levioribus delictis pro modo pœnarum, equorum, pecorumque numero convicti multantur. Pars multæ Regi vel civitati, pars ipsi qui vindicatur, vel propinquis ejus exolvitur.*

Lips. in not. ad Tacit. ibid.

IV. *Eliguntur in iis Conciliis & Princeps, qui jura per pagos vicosque reddunt. Centeni singulis ex plebe Comites* (which observe to symbolize with our Hundreds) *consilium simul & authoritas adsunt.*

V. *Nihil*

V. *Nihil neque publicæ neque privatæ rei niſi armati agunt, ſed arma ſumere non ante cuiquam moris, quam civitas ſuffecturum probaverit. Tum in ipſo Concilio vel principum aliquis, vel pater, vel propinquus, ſcuto frameâque Juvenem ornant. Hæc apud illos Toga, hic primus* (here have you reſemblance of our Knighting) *juventæ honos: ante hoc domus pars videntur, mox Reipublicæ.*

Hæc debemus virtutibus, ut non præſentes ſolum illas, ſed etiam ablatas è conſpectu colamus. *Senec.* lib. 4. de benefic. ca. 30.

VI. *Inſignis nobilitas aut magna patrum merita, principis dignationem etiam adoleſcentulis aſſignant.* Note there the *propagation of Gentry* through true honour deſerving vertue, to whoſe memory is dedicated that worſhip, which is oft-times beſtowed on unworthy Poſterity.

VII. *Dotem non uxor marito, ſed uxori maritus* (I might compare this to our moſt ancient and then common *Dower al huis d'eſgliſe*) *offert.*

VIII. To their religious Rites in Marriage-knots he adjoyns the puniſhment of her which violates her choſen bed. *Acciſis crinibus nudatam coram propinquis expellit domo maritus, ac per omnem vicum verbere agit.*

Vide Epiſtolam Bonifacii ad Æthelbald.

IX. *Publicatæ pudicitiæ* (underſtand it of unmarried Wenches) *nulla venia, non formâ, non ætate, non opibus maritum invenerit.*

X. *Sororum filiis idem apud avunculum, qui apud patrem honor.*

XI. *Hæredes, ſucceſſoreſque ſui cuique liberi, & nullum teſtamentum: ſi liberi non ſunt, proximus gradus in poſſeſſione fratres, patrui, avunculi;* neither until 32 H. 8. had we any Lands deviſable, except by ſpecial cuſtome binding the Common-law.

Terre nient deviſable.

XII. *Suſcipere tam inimicitias ſeu patris ſeu propinqui* (our Northern *deadly-feud* offers it ſelf here to be thought on) *quam amicitias neceſſe eſt; Nec implacabiles durant. Luitur enim etiam homicidium certo armentorum ac pecorum numero* (this interprets the *were* in the *Saxon* Laws of *William Lambard*) *recipitque ſatisfactionem univerſa Domus.*

XIII. *Suam quiſque Servus ſedem, ſuos penateis regit. Frumenti modum dominus aut pecoris aut veſtis ut colono injungit; & ſervus hactenus paret.*

Divers others of their Manners and Cuſtomes hath the ſame Author; but not any, which except theſe recited, I think may be fitly ſtyled Law, or conſtituted Order of that Nation. But to be more particular, *Adam* of *Breme* will tell us out of *Einhard* of the *Saxons* (which gave chief denomination to ſuch *Germans* as floated hither) thus;

Einhard ap. Adam. Bremenſ. in hiſto. Eccleſ. cap. 5, & 6.

XIV. *Quatuor differentiis gens illa conſiſtit, Nobilium ſcilicet & liberorum, libertorumque atque ſervorum.*

XV. *Legibus firmatum ut nulla pars copulandis conjugiis propriæ ſortis terminos transferat; ſed Nobilis nobilem ducat uxorem, & liber liberam, libertus conjungatur libertæ, & ſervus Ancillæ. Si vero quiſpiam horum ſibi non congruentem, & genere præſtantiorem duxerit uxorem, cum vitæ ſuæ damno componat.*

XVI. *Ejus gentis cum quâ bellandum fuit* (this is by *Tacitus* in the ſame words repeated of the *Germans*) *quoquo modo interceptum, cum electo popularium ſuorum patriis quemque armis committunt, & victoria hujus vel illius pro præjudicio accipitur.*

XVII. Unto the times before Chriſtianity among them was received, this is to be referred; The firſt Chriſtian King *Ethelbert* of *Kent, Inter*

Bed. Eccleſ. hiſt. lib. 2. cap. 5.

cætera (as Venerable *Bede* reporteth) *bona, quæ genti ſuæ conſulendo conferebat, etiam decreta illi judiciorum juxta exempla Romanorum, cum conſilio ſapientum inſtituit. Quæ conſcripta Anglorum ſermone, hactenus,* ſaith he, *habentur & obſervantur ab eâ.*

And very many Conſtitutions yet extant, written in the *Saxon* Tongue, are attributed to *Ine, Alfred, Edward, Athelſtan, Edmund, Edgar, Ethelred* and *Canutus* or *Knute*, tranſlated into *Latine*, and publiſhed long ſince by *William Lambard*, a learned Gentleman, with the Laws of *Edw.* the Confeſſor, ſo called, *non quod ille ſtatuerit*, ſaith one, *ſed quod obſervaverit*; whereunto are joyned divers, with title of *William* the Conqueror, which being ſo there already, according to ſeveral times in one Volume for that only purpoſe compiled, they only ſhall here be inſerted, which as yet lie diſperſed in the old Monuments of our Hiſtorians.

Malmesb. de geſt. Reg. lib. 2. cap. 11.

XVIII. *Totius Angliæ* (of King *Alured* ſo writeth *Ingulphus* Abbot of *Croyland*) *pagos & provincias in Comitatus primus omnium commutavit, Comitatus in Centurias*, i. e. *Hundredas, & in decimas* (as if he imitated *Jethro Moſes* Father-in-law) *id eſt, tythingas, diviſit, ut omnis indigena legalis in aliquâ centuriâ & decimâ exiſteret. Et ſi quis ſuſpectus de aliquo latrocinio, per ſuam Centuriam vel decuriam, vel condemnatus, vel* * *invadiatus, pœnam demeritam vel incurreret, vel vitaret. Præfectos verò provinciarum* (*qui antea Vicedomini*) *in duo officia diviſit*, i. e. *in Judices, quos nunc Juſticiarios vocamus, & in Vicecomites, qui adhuc idem nomen retinent.*

Gen. cap. 31.

Rotulus Wintoniæ.

* al. abſolutus.

Malmesb. lib. 2. de geſt. reg. c. 8.

XIX. Of King *Edgar*, the Monk of *Malmesbury* writeth thus; *Quia Compatriotæ in tabernis convenientes, jamque temulenti pro modo bibendi contenderent, ipſe clavos argenteos vaſis affigi juſſit, & dum metam ſuam quiſque cognoſceret, non plus ſubſerviente verecundiâ, vel ipſe appeteret, vel alium appetere cogeret.* Conſtraint of ſuch as were too indulgent to the deſires of their ſenſual appetite by ingurgitation of brain-ſmoaking Liquors, was by the Greek *Zaleucus* (and ſo received among the *Locrians*) no leſs than capital. But which hath been always ſo far from this State, that until the third Seſſion of the preſent Parliament, not ſo much as any pecuniary mulct endeavoured to refrain that temporary and altogether voluntary madneſs.

Athen. lib. 10. Deipnoſoph.

Stat. 4 Jac. cap. 5.

Ingulph. hiſt. pag. 512. & 508.

XX. *Nulla* (ſaith *Ingulphus*) *electio Prælatorum erat merè libera & Canonica, ſed omnes dignitates, tam Epiſcoporum quam Abbatum, per annulum & baculum Regis Curia pro ſuâ complacentiâ conferebat.*

XXI. *Chirographa*, until the Confeſſor's time, *fidelium præſentium ſubſcriptionibus, cum crucibus aureis, aliiſque ſacris ſignaculis firma fuerunt.*

Feud. lib. 2. tit. Chart. Archiep. Cant. vide etiam Camden. in Cantio pag. 240. & Chartam Æthelulphi ſuper altare oblatam apud Ingulph. pag. 491.

XXII. *Conferebantur primò* (ſaith he, but I underſtand it of the Infancy of the *Norman* ſtate) *multa prædia nudo verbo abſque ſcripto, vel chartâ; tantum cum Domini gladio, vel galea, vel cornu, vel cratere, & plurima tenementa cum calcari, cum ſtrigili, cum arcu, & nonnulla cum ſagittâ.* This ſomewhat favours of *Obertus Orto*'s form of inveſtiture in his Feudals, or his of this, and differs much from our ſtrict Livery of Seiſin, which regularly ought to be made with part of and upon the Land, by gift transferred. Not unworthy (in this place) of obſervation is that Charter of *Cedwalla* King of *Suſſex*, (as among old Monuments of evidence belonging to the Arch-biſhop of *Canterbury* I have ſeen) in the Year DCLXXXVII. made to *Theodore* then

then Archbiſhop of certain Lands, with this ſubſcription; *Ad cumulum autem Confirmationis, ego Cedwalla ceſpitem terræ prædictæ ſuper ſanctum altare Salvatoris poſui, & propriâ manu, pro ignorantia literarum, ſignum ſanctæ Crucis expreſſi, & ſubſcripſi.* The like hath *Camden* out of a Patent made by *Withered* King of *Kent*, to a Nunnery in the Iſle of *Thanet*. But to that form of conveyance which *Ingulphus* ſpeaks of, is thus added; *Sed hæc initio regni ſui: poſterioribus annis immutatus eſt iſte modus.*

The antiquity of deeming the Queen, both as Covert, and alſo a ſole perſon, with ſuch reſpective admittance, as is commonly agreed upon, and the Cuſtome of Land-forfeiture upon Felony committed, are both referred to theſe times. The firſt proved by that learned Chief Juſtice Sir *Edw. Coke*, out of a Gift made by *Æthelſwith*, Wife to King *Burghred*, to one *Cuthwulfe* her Servant DCCCLXVIII. The other from an Example by him publiſhed of one *Etheſig*, whoſe Lands were forfeited to King *Ethelred*, for feloniouſly ſtealing one *Ethelwine*'s Swine.

In Præfat. ad lib. 6. Reſp.

CHAP. IV.

William *the First*: *But none of that which under title of his Laws, is in* Lambard.

NO ſooner was the *Norman William* circled with the Crown of his Victory, but

Gervaſ. Tilb. de Scac. cā. 32. conſeras quæ è Guil. Roville Alenconienſ. in Tract. de Duello tranſcript. cap 6. Camden in Diviſ. Brit.

I. *Decrevit ſubjectum ſibi populum* (my Author is *Gervaſe* of *Tilbury*) *juri ſcripto legibuſque ſubjicere. Propoſitis igitur legibus Anglicanis ſecundùm tripartitam earundem diſtinctionem, hoc eſt Merchenlage* (this govern'd the Shires of *Gloceſter*, *Worceſter*, *Hereford*, *Warwick*, *Oxford*, *Cheſter*, *Shropſhire*, and *Stafford*) *Weſtſaxenlage* (hereby were ordered *Kent*, *Suſſex*, *Surry*, *Barkſhire*, *Hamſhire*, *Wiltſhire*, *Somerſet*, *Dorſet* and *Devonſhire*) and *Danelage* (by it *York*, *Darby*, *Nottingham*, *Leiceſter*, *Lincoln*, *Northampton*, *Bedford*, *Buckingham*, *Hartford*, *Eſſex*, *Middleſex*, *Norfolk*, *Suffolk*, *Cambridge*, and *Huntingdon*) *quaſdam reprobavit*, *quaſdam autem approbans illis tranſmarinas Neuſtriæ* (that is *Normandy* corruptly for *Weſtriæ*, the oppoſite to that other part of the diviſion of *France*, *Euſtraſia*) *leges*, *quæ ad regni pacem tuendam efficaciſſimè videbantur*: which was not performed without earneſt and moſt humble requeſt of the *Engliſh*. For, as honouring with reſpect the Northern ſtock, whence his blood was derived, the Danelage he preferred, as worthier and better for Government than the mere *Engliſh*. But ſeeming at firſt inexorable, the perſwaſive remembrance of *his* Soul, which bequeathed him the Kingdom, and whoſe Laws they deſired, being, as the beſt ſuppoſed motive, inſerted in the Petitions of the conquered, he granted ſo much, that from that time *veneratæ per univerſam Angliam*, *corroboratæ & obſervatæ ſunt*, *præ cæteris patriæ legibus*, *leges Edwardi Regis*, *quæ priùs inventæ* (it is *Roger* of *Hoveden*'s Report) *& conſtitutæ erant in tempore Edgari avi ſui.*

Hoveden. pag. 343.

Roger Hoveden. in Vit. H. 2. fo. 347.

II. *Fecit deſcribi omnem Angliam*, (the ſubſtance hereof is in moſt of the Monkiſh hiſtories, but *Florence* of *Worceſter* is the Author I now uſe) *quantum terræ quiſque Baronum ſuorum poſſidebat*, *quot feudatos milites*, *quot carucas*, *quot villanos*, *quot animalia*; *imò*, *quantum vivæ pecuniæ quiſque poſſidebat in omni regno ſuo*, *à maximo uſque ad minimum*, *& quantum redditûs quæque poſſeſſio reddere poterat.*

Florent. Wigorn.

Domeſday 18. Will. I.

This Inquiſition was returned into his Exchequer, and is a Book at this day there remaining, *Pro ſua generalitate omnia tenementa totius terræ integrè continente*: it is called Domeſday, *i. e.* the Day of Judgment, as the Abbot of *Crowland*, and *Gervaſe* of *Tilbury* have left written, *Ob hoc* (ſaith *Gervaſe*) *vos eundem librum Judiciarium nominamus*, *non quòd in eo de propoſitis aliquibus dubiis feratur ſententia*, *ſed quod à prædicto judicio non liceat ullâ ratione diſcedere.* A deſcription of it in an old *Engliſh* Hiſtorical Poet, is thus clad in Rhythmes.

Gervaſ. Tilb. cap. 32.

The

The K. William voꝛ to wite the woꝛth of his londe
Let enquerí ſtreitliche thoꝛu al Engelonde,
hou moní plou lonꝺ, and hou moní hiꝺen alſo
Were in euerich ſire, and wat hii were wurth pereto:
And the rents of each toun, and of the waters ethone,
That wurth, and of woods eke, that there ne bileued none,
But that he wiſt wat hii were wurth of al Engelonde,
And wite al clene that wurth thereof ich underſtond
And let it wꝛite clene inou, and that ſcrit hude iwis
In the Treſoꝛie at Weſtminſter there it put is.
So that bre Kings ſuth, when hii ranſome toke
And redy wat ſolc might giue, hii ſond there in poꝛ boke.

Rob. Gloceſt. in hiſt. Poet.

Nor a much unlike deſcription in later times under *Hen.* 8. (as a preparatory to the levying of that intolerable demanded Subſidy of DCCCL) was either finiſhed or attempted: as by a Warrant from the Commiſſioners directed to a Conſtable of a Hundred, with charge of information, reported by *J. Stow*, is more largely declared.

III. Of Church-livings and Eccleſiaſtical fees *Matthew Paris* hath thus recorded; *Epiſcopatus & Abbatias omnes, quæ Baronias tenebant, & eatenus ab omni Seculari libertatem habuerant, ſub ſervitute ſtatuit militare, in rotulans ſingulos Epiſcopatus & Abbatias, pro voluntate ſuâ, quot milites ſibi & ſucceſſoribus ſuis, hoſtilitatis tempore, volnit à ſingulis exhiberi.*

Matth. Faris in Guil. 1. pag. 8.

IV. *Excluſis hæreditate avita Anglis, agros* (learned *Camden* hath delivered it) *& prædia militibus ſuis aſſignavit, ità tamen ut dominium directum ſibi reſervaret, obſequiumque clientelari jure ſibi & ſucceſſoribus devinciret: id eſt ut omnes in feodo, ſive fide teneret, & nulli præter Regem eſſent veri domini, ſed potius fiduciarii domini, & poſſeſſores.*

Camden. in Norm. aſtipulatur Matth. Weſt. Flor. Hiſt. lib. 2.

V. *Gervaſe* of *Tilbury* in a Diſcourſe of the Trial of the purity of Silver paid in ancient time into the Exchequer by weight, affirmeth that by Tradition it was received for truth, that *in primitivo regni ſtatu, poſt conquiſitionem*, no Rents were paid to the Crown in Money: *Sed ſola* (ſaith he) *victualia ſolvebantur, ex quibus in uſus quotidianos domus regiæ neceſſaria miniſtrabantur:* and ſomewhat after, *Toto igitur Willielmi primi tempore perſeveravit hæc inſtitutio uſque ad tempora Regis Henrici filii ejus* (which was *Henry* the firſt) *adeò ut viderim ego ipſe* (he lived under *Henry* the ſecond) *quoſdam, qui victualia, ſtatutis temporibus, de fundis regiis, ad Curiam deferebant. Certum quoque habebant Officiales domus regiæ, à quibus comitatibus triticum, à quibus diverſæ ſpecies carnium, & equorum pabula debebantur. His verò ſolutis ſecundum conſtitutum modum cujuſque rei, regii officiales computabant Vicecomitibus, redigentes in ſummam denariorum, pro menſurâ videlicet tritici ad panem centum hominum, ſolidum unum, pro corpore bovis paſcualis ſolidum unum, pro ariete vel ove IV. denarios, pro prebendâ XX. equorum ſimiliter IV. denarios;* But through the grievous complaints of Country Husbandmen, *oblatis vomeribus in ſignum deficientis agriculturæ*, reſpective calculation was made under *Henry Beauclerc*, and every particular Tenants ſervices reduced to a certainty of Silver, *De Summa vero Summarum quæ ex omnibus fundis ſurgebat in unoquoque comitatu, conſtituerunt Vicecomitem illius Comitatus ad Scaccarium*

Gervaſ. Tilb. de Scac. ca. 23.

Scaccarium teneri, addentes ut ad Scalam ſolveret. More ſpecial form whereof the ſame Author hath largely reported.

Ingulph. hiſt. fo. 512.

VI. *Chirographa chartas vocabant, & chartarum firmitatem cum cereâ impreſſione per uniuſcujuſque ſpeciale ſigillum ſub inſtillatione trium vel IV. aſtantium, conficere conſtituebant.*

VII. *Anglicum idioma tantum abhorrebant, quod leges terræ ſtatutaque Anglicorum Regum Gallicâ linguâ tractarentur* (Pleadings until reformation in time of *E.* 3. remaining in the ſame Tongue) *& pueris etiam in Scholis principia literarum Grammatica Gallicè ac non Anglicè traderentur. Modus etiam ſcribendi Anglicus omitteretur, & modus Gallicus in Chartis & in libris omnibus admitteretur:* Thus to be Frenchified grew ſo common, and before all *Engliſh* Titles ſo reſpectfully alone honoured, that *Vlſtan* Prelate of *Worceſter* in the red King's time, was for his ignorance in that Tongue chiefly depoſed from his Biſhoprick.

St. 36 E. 3. cap. 15.

Matth. Paris.

VIII. *Cervum vel Capreolum capienti oculi eruebantur.*

IX. The Law of *Coverfeu* (the name yet remaineth) that by ringing a Bell at Night, all Lights and Fire in every Houſe ſhould retire from our appearance, acknowledgeth him as firſt Inſtitutor.

Polydor. Virg. hiſt. lib. 9.

Hen. Hunting. lib. 6. hiſt. fol. 212.

X. *Si aliquis quempiam* (it is in *Henry* of *Huntingdon*) *quâcunque de causâ peremiſſet, capitali ſubjacebat ſententiæ.*

Bract. lib. 3. tract. de Coron. cap. 28.

XI. *Si aliquem* (I would read it *aliquam*, perſwaded by what I find in *Bracton*'s Treatiſe of rape) *vi oppreſſiſſet, genitalibus privabatur armis.*

Polydor. hiſt. lib. 9. Lam's. explicat. verb. Camden in Norman D. Ed. Coke in Præfat. ad lib. 3.

XII. If we durſt believe the *Italian Polydore*, here ſhould ſucceed an Inſtitution of Sheriffs, and Trial by *Jury* of XII. Touching the laſt, *Camden* and *Lambard* out of the *Saxon* Laws of *Ethelàred*, have convinced him of an error too fairly flouriſhed with braving terms. For the firſt, and both ſince them the right H. the L. *Coke*. But what elſe he hath of any probability you thus receive.

XIII. *Conſtituit ut quater quotannis in multos dies conventus celebrarentur eo loci quo ipſe fieri juberet, quibus in conventibus Judices ſedibus diſcreti forum agerent, juſque populo dicerent.*

XIV. *Alios inſtituit Judices, qui ſine provocatione juriſdictionem ac judicia exercerent, à quibus, uti à ſinu Principis, cuncti Litigatores eò confluentes jura peterent, & ad eos ſuas controverſias referrent.*

XV. *Præfectos alios conſtituit, qui maleficia vindicanda curarent. Hos Juſticiarios pacis nuncupavit.* Yet I cannot ſo ſoon think that name to be literally ſo ancient under his favour, with whom too curious in a ſtrange ſtate, the kind Laws of religious hoſpitality may without injuſtice diſpenſe.

CHAP.

CHAP. V.

What was received under William le Rous.

VAin it were to expect any good Conſtitutions of *William* the Second, *Omnis legum ſiluit juſtitia, cauſiſque* (ſaith *Florence* of *Worceſter*) *ſub juſtitio poſitis; ſola in principibus imperabat pecunia.*

I. *Polydore* attributeth to him the original of that cuſtome, whereby his Succeſſors claim profits or Firſt-fruits of vacant Biſhopricks and Monaſteries of the Patronage of the Crown. Indeed it is true and apparent, that he had a ſpecial gift of delaying new Elections for prorogation of his gains. And at his Death were in his hands the Temporalties of *Canterbury*, *Wincheſter* and *Salisbury*, and of Abbies that number quadrupled. Polydor. lib. 10. hiſt. Matth. Paris;

II. *Publico* (writeth he) *edicto vetuit unumquemque ſine commeatu ſuo ex Angliâ egredi.* That Archbiſhop *Anſelme* was enjoyned under no ſmall pain, that he ſhould not paſs the Seas, to viſit Pope *Urban* under this Prince, is true and plain enough; but for any ſuch general Edict, I know no better authority, his being in this, as in other things, ſuſpicious: as yet my belief is, that the conſtitution of *non Aler ouſter le Mere*, is of ſome later birth.

III. *Venationes quas Rex primo* (the words are *Malmesburies*, but read *primus*) *adeò prohibuit, ut capitale eſſet ſupplicium prendiſſe Cervum.* Malmesb. lib. 4. de geſt. reg.

CHAP.

CHAP. VI.

Henry Beauclerc *reſtored and invented Common Liberties.*

REformation was needful by the ſucceeding *Beauclerc*, of the common injuſtice practiſed throughout the Kingdom, eſpecially by a delegation of exacting authority made to one *Ranulph*, afterwards Biſhop of *Durham*, by *le Rous*: and was thus endeavoured. Immediately after his Coronation Charters of State-amendment were by publick authority ſent into every County with particular Cuſtoms expreſſed, allowed, abrogated or altered in them. That which was directed to *Hugh* of *Bockland*, Sheriff of *Hereford*, reported by *Matthew Paris*, after Church-liberty confirmed, *Ita quod nec eam vendam, nec ad firmam ponam, nec mortuo Archiepiſcopo, vel Epiſcopo, vel Abbate, aliquid accipiam de domino Eccleſiæ, vel de hominibus, donec ſucceſſor in eam ingrediatur*, thus provides for the Subject;

Matth. Paris, pag. 74.

Omnes malas conſuetudines, quibus regnum Angliæ injuſte opprimebatur, inde aufero: Quas malas conſuetudines in parte hic pono.

I. *Si quis Baronum meorum, Comitum, vel aliorum qui de me tenent, mortuus fuerit, Hæres ſuus non redimet terram ſuam ſicut facere conſueverat tempore patris mei, ſed juſtâ & legitimâ relevatione relevabit eam.*

II. *Homines Baronum meorum legitimâ & juſta relevatione relevabunt terras de dominis ſuis.*

III. *Si quis Baronum, vel aliorum hominum meorum, filiam ſuam tradere voluerit, ſive ſororem, ſive neptem, ſive cognatam, mecum inde loquatur; ſed neque ego aliquid de ſuo pro hac licentia accipiam, neque defendam quin eam det, excepto ſi eam dare voluerit inimico meo.*

IV. *Si mortuo Barone vel alio homine meo filia hæres remanſerit, dabo illam cum conſilio Baronum meorum cum terra ſuâ.*

V. *Si mortuo marito uxor ejus remanſerit, & ſine liberis fuerit, dotem ſuam & maritagium habebit, dum corpus ſuum legitimè ſervabit: & eam non dabo niſi per ſecundum velle ſuum, & terræ liberorum Cuſtos erit ſive uxor, ſive alius propinquior, qui juſtus eſſe debet.*

VI. *Præcipio ut homines mei ſimiliter ſe contineant erga filios & filias & uxores hominum ſuorum.*

VII. *Monetagium commune quod capiebatur per Civitates vel Comitatus, quod non fuit tempore Ed. R. hoc ne amodò fiat, omninò defendo.*

VIII. *Si quis captus fuerit, ſive monetarius ſive alius, cum falsâ monetâ, juſtitia recta inde fiat.*

IX. *Si quis Baronum vel hominum meorum infirmabitur, ſicut ipſe dabit, vel dare juſſerit pecuniam ſuam, ita datam eſſe concedo; quod ſi ipſe, præventus vel armis vel infirmitate, pecuniam ſuam nec dederit, nec dare diſpoſuerit, uxor ſua ſive liberi, aut parentes, & legitimi homines ſui pro animâ ejus eam dividant, ſicut eis melius viſum fuerit.* Somewhat later times admitted the diſpoſition of Inteſtates Goods, and Probate of Teſtaments,

V. *Glanvil*, lib. 7. cap. 8.

Teſtaments, to be in Epiſcopal Juriſdiction. *John Stratford* in one of his Provincial Conſtitutions of Church-liberty, and *Fairefax* a Common Lawyer under *Richard* the Third, affirm that Power in Eccleſiaſtick Courts to have been in ancient time (for the Civil Law it ſelf in expreſs Text refers it to the Lay Magiſtrate) by Act of Parliament ordained.

Lind. provinc. conſtit. de immunit. Eccleſ. lib. 3. & de teſtament. Statutum 6 Eccleſiaſt. a Rich. 3. Teſtam. 4. v. inf. in Stephan. 1. C. tit. de teſtament. l. conſulta divalia v. in Johann. art. 15.

X. *Si quis Baronum, vel hominum meorum, forisfecerit, non dabit vadium in miſericordiâ pecuniæ ſuæ, ſicut faciebat tempore patris vel fratris mei* (they were the two precedent *Williams*) *ſed ſecundum forisfacturæ modum, nec ita emendabit ſicut emendaſſet retro tempore patris mei vel fratris.*

XI. *Si perfidiæ vel ſceleris convictus fuerit, ſicut culpa ſic emendet.*

XII. *Foreſtas communi conſilio Baronum meorum in manu mea ita retinui, ſicut pater meus eas habuit.*

XIII. *Militibus, qui per loricas terras ſuas defendunt* (i. e. which hold their Lands *per fee de Hauberke*, to be ready in a Coat of Mail for Martial Service) *terras dominicarum carucarum ſuarum quietas ab omnibus Geldis & omni proprio Dominio meo concedo, ut, ſicut tam magno gravamine alleviati ſunt, ita equis & armis benè ſe inſtruant, ut apti & parati ſint ad ſervitium meum, & ad defenſionem regni mei.*

V. Horoman. verb. feudal. Hauberticum feudum.

XIV. *Lagam Regis Edwardi vobis reddo, cum illis emendationibus quibus pater meus eam emendavit* (you have them in *Lambard*) *conſilio Baronum ſuorum.* Thus far out of that tranſcribed Charter.

XV. *Rapinas Curialium, furta, ſtupra, edicto compeſcuit, deprehenſis oculos cum teſticulis evelli præcipiens.* *William* of *Malmsbury* is hereof Author; but *Florence* of *Worceſter*, and *Roger* of *Hoveden*, that for Theft his puniſhment was, as now by Hanging, Death; but for maintenance of *Malmesbury*'s report, I remember a miracle reported out of a Manuſcript in *Fox* his Eccleſiaſtical Hiſtory, of one *Eilward* of King's *Weſton* in *Bedfordſhire*, attainted in time of *Henry Fitz l'Empres*, for ſtealing a pair of Hedging-Gloves, and a Whetſtone, and having by execution loſt his Eyes and Genitals, had through devout prayer at *Tho. Becket*'s Shrine in *Canterbury*, reſtitution (I fear the Monk that wrote it, might have had a Whetſtone without ſtealing) of whatſoever Members and Faculties were by that inflicted puniſhment, taken from him.

Malmesb. lib. 5. de geſt. reg. Atque alibi antiquitùs quod docent Iſocrates in oratione contra Lochit. Sen. Epiſt. 7. Lamprid. in Alex. Severo & alii, cæterum an in bonos Mores, Remque publicam conducat, diſputant: quin & auſi ſunt negaſſe, Friſius in lib. de Rep. Tho. Morus, in Utopiâ, &c.

Ex lib. Monarch. Cant. de Mirac. B. Tho. apud Foxum. in hiſt. Eccleſ. lib. 4. fo. 228.

XVI. *Contra Trapezitas* (*quos vulgò monetarios vocant*) *præcipuam ſui diligentiam exhibuit; nullum falſarium quin pugnum perderet impune abire permittens, qui fuit intellectus falſitatis ſuæ commercio fatuos irriſiſſe:* This falſifying of money by *Hoveden*, was loſs of our Eyes and Genitals: *Gemiticenſis* and the Monk which made the continuance to *Florence* of *Worceſter*, agreeing to *Malmesbury* in this, that the offenders loſt their right hands; but further adding that, which the firſt God of the Gentiles was compelled to endure, deprivation of his external parts of humane propagation.

Malmesbur.

Guil. Gemiticenſ. de Ducibus Norm. lib. 7. ca. 23. & Contin. ad Florent. Wigorn. pag. 498.

XVII. *Statuit ut nullus obolus* (the Author is *Roger* of *Hoveden*) *quos & rotundos eſſe juſſit, aut etiam quadrans, ſi integer eſſet, reſpueretur.*

Roger de Hoved. annal. 2. fo. 270.

Malmesb. l. 5.

XVIII. *Mercatorum falsam ulnam* (*Malmesbury* speaks) *castigavit brachii sui mensurâ adhibitâ, omnibusque per Angliam propositâ.*

XIX. *Curialibus suis ubicunque villarum esset, quantum à Rusticis gratis accipere, quantum & quoto pretio emere debuissent, edixit, transgressores vel gravi pecuniarum mulctâ, vel vitæ dispendio afficiens.*

Math. Westm. lib. 2. Flor. hist.

Malmesb. l. 5. de gest. reg. Mat. Paris pag. 87.

XX. Much stir both at *Rome* and in *England* was touching Investiture of Bishops and Abbots by Lay hands: *Anselme*, Arch-Prelate of *Canterbury* mainly opposing himself against it; whose perswasion so at length wrought with the King, that it was permitted *ut ab eo tempore in reliquum* (*Matthew* of *Westminster* after others reports it) *nunquam per donationem Baculi pastoralis vel annuli quisquam de Episcopatu vel Abbatiâ, per Regem, vel quamlibet laicam personam, investiretur in Anglia; Retento tamen electionis & regalium privilegio*; Notwithstanding this in the year CIↃ. C. VII. *per annulum & baculum* (as *Matthew Paris* tells us) was by the same *Henry* one *Rodolph* made Arch-Bishop of *Canterbury*.

Stovæus annal. p. 190.

XXI. He restored (*John Stow* now speaks to you) to his Subjects the use of Lights in the night, which lights, and also fire, had been forbidden by his Father to be used, after the ringing of a Bell at eight of the Clock at night.

Flor. hist. l. 2.

XXII. *Fecit omnes Milites Angliæ crines suos ad justum modum abscindere, qui priùs longitudine capillorum* (out of *Flores Historiarum*) *cum fœminis certabant.*

Polyd. hist. lib. 11.

Halicarnass. 2. antiq. Rom. & v. Sueton. in Caligula cap. 42. Zas. in comm. ad lib. 2. F. de orig. Turr.

XXIII. A Tribute of 3 *s.* of every Hide was exacted for augmentation of a Dowry for the Kings Daughter *Maude*, to be married to the Emperour *Henry* the Fourth: whereupon, saith *Polydore*, *Secuti sunt istud institutum quærendarum dotum ad collationem filiarum, cæteri deinde Reges, adeo posteritas suorum commodorum tenax semper fuit*; referring that known Service of *ayde à file marrier*, to this as the *first example* thereof; though the antiquity of that custom can reckon as many years as since *Romulus* his first institution of Patrons and Clients (whence Feuds and Courts-Baron, as *Vealricus Zasius* conjectureth, by way of imitation, proceeded in following times) and no less the whole title thereof. And the other *à faire Fitz Chevaler, & de rançome*, are in the old *Graund Custumier* of *Normandy*.

Polyb. lib. 11. hist. Ang.

XXIV. Imminent peril was then, lest *French* Conspiracies should get violent possession of the Dutchy of *Normandy*; to prevent it with a Sinewy Army, *primùm omnium populo imponit* (take it upon *Polydore*'s credit) *grave tributum causâ novi belli gerendi, id quod apud posteriores Reges in consuetudinem venit.* Of the *Norman* Line Masculine he was the last; and this the last, I make of his Laws.

CHAP.

CHAP. VII.
Stephen *of* Blois.

CRaſhing of Armour and pronouncing of Laws, have ſuch antipathy, that his injurious Succeſſor, *Stephen of Blois* will put us to the charge of ſmall room. At his Inauguration, by Oath he confirmed divers generalities for liberties, from ancient time uſed, of the Church, but ſo religiouſly, that, as one ſaith of him, He ſeemed to have therefore only ſworn, that he might be forſworn. But of them one was eſpecially thus:

I. *Si quis Epiſcopus vel Abbas vel alia Eccleſiaſtica perſona, ante mortem ſuam rationabiliter ſua diſtribuerit, vel diſtribuenda ſtatuerit, firmum manere concedo: ſi vero morte præoccupatus fuerit, pro ſalute animæ ejus Eccleſiæ conſilio* (ſee before in the ninth of *Henry Beauclerc*) *eadem fiat diſtributio.* Malmesb. l. 1. hiſt. novell.

II. *Caſtella per ſingulas provincias* (ſaith *William* of *Newborough*) *ſtudio partium crebro ſurrexerant; erantque in Anglia quodammodo tot Reges, vel potius Tyranni, quot Domini Caſtellorum, habentes ſinguli percuſſuram proprii numiſmatis, & poteſtatem ſubditis regio more dicendi juris.* Guil. Neubrigenſ. lib. 1. rer. Anglic. cap. 22.

III. *Danegeldum* (which how it was firſt rated and impoſed, you may find in the *Confeſſor*'s Laws) *quod anteceſſores ſui accipere ſolebant ſingulis annis, in æternum condonabat.* *Henry* of *Huntingdon* and *Roger* of *Hoveden* affirm it. Huntingd. l. 8. hiſt. Hoveden part. 1. f. 276.

IV. An Eccleſiaſtical Synod was held at *London* under *Theobald* of *Canterbury*, the King and Noblemen being alſo preſent, *totumque illud concilium novis appellationibus infrenduit. In Anglia namque appellationes in uſu non erant, donec eas Henr. Wintonienſis Epiſcopus, dum Legatus eſſet* (which was about this time) *malo ſuo crudeliter intruſit.* Ibid.

V. *Tempore Regis Stephani* (as I read in *John* of *Salisbury's Polycraticon*) *à regno juſſæ ſunt Leges Romanæ, quas in Britanniam Domus venerabilis Patris Theobaldi, Britanniarum Primatis aſciverat; Ne quis libro etiam retineret edicto regio prohibitum eſt.* What the *Roman Laws* (if you underſtand the *Imperials*) had ever to do with this State as a rule for ſquaring our Judgements, is not only by this relation made manifeſt, but by an expreſs aſſertion of the High Court of Parliament (which wrought wonders) under *Richard* of *Burdeaux*; whenas *Thomas* of *Woodſtock*, Duke of *Gloceſter*, *Richard* Earl of *Arundel*, *Thomas Beauchamp* Earl of *Derby*, and *Thomas* Earl of *Nottingham*, appealed *Alexander Nevill* Arch-Biſhop of *York*, *Robert de Vere* Duke of *Ireland*, *Michael de la Poole* Earl of *Suffolke*, with others, of ſeducing the Kings facile humour to their own deſires, the particulars whereof appear in the Thirty Eight Articles comprehended in the Parliament Rolls of the Eleventh of his Reign; advice being demanded touching the formality of the Appeal both of Common Lawyers and Civilians, they all agreed, —That it was inſufficient in both Laws; but anſwer was given by the Baronage, that they would adjudge it by *Parliamentary authority*; neither would they be directed by the Civil Law, *pur ceque la royalme d'Angleterre n'eſtoit devant ces heures, ny à l'entent de noſtre dit Seigneur Roy, & Seigneures du Parliament unq' ne ſerra rules ne governes per la ley civil*: and by Judgement of Exile with effect they proceeded: But this is ſomewhat out of the liſts. Jo. Salisburienſ. Polycrat. lib. 8. cap. 22. v. diſceptationem de caſtellis Epiſcoporum apud Malmesbur. lib. 1. hiſt. novel. 11 R. 2. Rot. Parliam.

CHAP. VIII.

Henry Fitz-L'Empres, *and his* Clarendon *Conſtitutions reſtored to themſelves, and purged from the faults wherewith they have been publiſhed.*

ADoption and right of Bloud gave, after *Stephen*'s Death, the Crown to *Henry Plantagenet Fitz l'Empres*; His firſt care tending wholly to the good of the State, was to have the numerous increaſe of Caſtles and Forts (which in his Predeceſſors time through multitude of Province-Tyrants, whom they nouriſhed, were ſwollen to the number of CIↃ. C. XV.) abated; ſo was it by expreſs command performed, and the Laws of his Grand-father *Beauclerc* likewiſe confirmed. A recognition alſo was made at *Clarendon*, *Præſidente Joanne de Oxoniâ, de mandato ipſius Regis, præſentibus etiam Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus & Proceribus regni*, of divers Cuſtomes and Rites of Government for deciſion of no ſmall controverſies between the King, guarded with ſtout Maintainers of his Crown, and the Prelates, who in their ambitious aims laboured for exemption of their Perſons, habits and poſſeſſions, from ſecular Juriſdiction.

Guil. de novo burgo lib. 1. rer. Anglic. cap. 22.

Matth. Paris fol. 134.

I. *De advocatione & præſentatione Eccleſiarum; ſi controverſia emerſerit inter Laicos, vel inter Laicos & Clericos, vel inter Clericos, in Curiâ D. R. tractetur & terminetur.*

II. *Eccleſia de feudo D. Regis non poſſunt imperpetuum dari abſque aſſenſu & conceſſione ipſius.*

III. *Clerici rectati & accuſati de quâcunque re, ſummoniti à Juſtitiâ Regis, venient in Curiam ipſius reſponſuri ibidem de hoc, unde videbitur Curiæ Regis quod ibi ſit reſpondendum, & in Curiâ Eccleſ. unde videbitur quod ibi ſit reſpondendum, ita quod Juſtitia Regis mittet in Curiam S. E. ad videndum quâ ratione ibi res tractabitur.*

IV. *Si Clericus convictus vel confeſſus fuerit, non debet eum de cætero Eccleſia tueri.*

V. *Archiepiſcopis, Epiſcopis & perſonis regni non licet exire regnum abſque licentiâ D. Regis: & ſi exierit* (here is the true root of the old reſtraint from paſſing the Seas without Licence) *ſi Regi placuerit, aſſecurabunt eum quòd nec in eundo nec in redeundo, vel moram faciendo, perquirent malum ſive damnum D. Regi.*

V. in Johan. art. 16.

VI. *Excommunicati non debent dare vadium ad remanentiam, nec præſtare Juramentum, ſed tantum vadium & plegium ſtandi judicio Eccleſiæ, ut abſolvantur.*

VII. *Laici non debent accuſari niſi per certos & legales accuſatores & teſtes in præſentiâ Archiepiſcopi, vel Epiſcopi; ita quod Archidiaconus non perdat jus ſuum nec quicquam quod inde habere debeat.*

VIII. *Si tales fuerint qui culpantur quod non velit vel non audeat aliquis eos accuſare, Vicecomes requiſitus ab eo faciat jurare XII. legales homines*

mines de vicineto, ſeu de villâ coram Epiſcopo, quod inde veritatem ſecundum conſcientiam ſuam manifeſtabunt.

IX. *Nullus qui de Rege tenet in Capite nec aliquis dominicorum miniſtrorum, ſub interdicto* (that is a cenſure Eccleſiaſtical, whereby the Adminiſtration of Sacraments is prohibited in ſome particular place, or among ſome certain Perſons) *ponatur; niſi prius Dominus Rex, ſi in terrâ fuerit, conveniatur, vel Juſtitia ejus, ſi fuerit extra regnum: & rectum de ipſo faciat, & ita ut quod pertinebit ad regiam Curiam, ibidem terminetur, & de eo quod ſpectabit ad Eccleſiaſticam Curiam, ad eandem mittatur, ut ibidem tractetur.*

X. *De appellationibus, ſicubi emerſerint, ab Archidiacono debent ad Epiſcopum, & ab Epiſcopo ad Archiepiſcopum, & ſi Archiepiſcopus defuerit in juſtitiâ exhibendâ, ad D. Regem perveniendum eſt poſtremo, ut præcepto ipſius in Curiâ Archiepiſcopi terminetur controverſia: Ita quod non debet ulterius procedere abſque aſſenſu D. Regis.* Vide verò Rogerum Hovedenum pag. 303.

XI. *Si Calumnia emerſerit inter Clericum & Laicum, vel inter Laicum & Clericum, de ullo tenemento quod Clericus velit ad eleemoſynam trahere, laicus verò ad laicum feudum, recognitione XII. legalium hominum per Capitalis Juſtitiæ Regis conſiderationem terminabitur, utrum tenementum ſit pertinens ad Eleemoſynam ſive ad feudum laicum, coram ipſa Juſtitia Regis; Et ſi recognitum fuerit ad Eleemoſynam pertinere, placitum erit in Curiâ Eccleſiaſticâ; ſi vero ad laicum feudum, niſi ambo tenementum de eodem Epiſcopo vel Barone advocaverint, erit placitum in Curiâ regiâ; ſed ſi uterque advocaverit de feudo illo eundem Epiſcopum vel Baronem, erit placitum in Curiâ ipſius, ità quod propter factam recognitionem ſeiſinam non amittat qui prius ſeiſitus fuerat, donec per placitum diſrationatum ſit.*

XII. *Qui de Civitate vel caſtello vel Burgo vel Dominico Manerio D. Regis fuerit, ſi ab Archidiacono vel Epiſcopo ſuper aliquo delicto citatus fuerit, unde debeat eis reſpondere, & ad citationes eorum ſatisfacere noluerit, bene liceat eum ſub interdicto ponere; ſed non debet excommunicari, priuſquam Capitalis Juſtitia D. Regis villæ illius conveniatur, ut juſticiet eum ad ſatisfactionem venire; Et ſi Juſtitia R. inde defecerit, ipſe erit in miſericordiâ D. R. & exinde poterit Epiſcopus eum accuſatum Eccleſiaſticâ juſtitiâ coercere.*

XIII. *Archiepiſcopi, Epiſcopi, & univerſæ perſonæ regni qui de rege tenent in Capite, & habent poſſeſſiones ſuas de D. Rege, ſicut Baroniam, & inde reſpondent Juſticiis & Miniſtris Regis, & faciunt omnes rectitudines & conſuetudines regias, ſicut Barones cæteri, debent intereſſe judiciis Curiæ D. Regis cum Baronibus ſuis, uſque perveniatur ad diminutionem membrorum vel ad mortem.*

XIV. *Cum vacaverit Archiepiſcopatus vel Epiſcopatus vel Abbatia, vel Prioratus de Dominio Regis, debet eſſe in manu ipſius, & inde percipiet omnes reditus & exitus, ſicut dominicos; Et cum ventum fuerit ad conſulendum Eccleſiæ, debet D. Rex mandare potiores perſonas Eccleſiæ; & in capellâ ipſius Regis debet fieri electio, aſſenſu D. Regis, & conſilio perſonarum regni quas ad hoc faciendum vocaverit, & ibidem faciet electus homagium & fidelitatem D. Regi, ſicut ligio Domino, de vitâ ſuâ, & membris, & de honore ſuo terreno, ſalvo ordine ſuo, priuſquam ſit conſecratus.*

XV. *Si quiſquam de proceribus deforciaverit Archiepiſcopo, Epiſcopo vel Archidiacono, de ſe vel de ſuis Juſtitiam exhibere, Rex debet juſtitiare.*

XVI. *Si*

XVI. *Si forte aliquis deforciaverit D. Regi rectitudinem suam, Archiepiscopus, Episcopus, & Archidiaconus debent eum justitiare, ut Regi satisfaciat.*

XVII. *Catalla eorum qui sunt in Regis forisfacto, non detineat Ecclesia, vel cœmeterium contra justitiam Regis, quia ipsius Regis sunt, sive in Ecclesiis, sive extra fuerint inventa.*

XVIII. *Placita de debitis quæ fide interposita debentur, vel absque interpositione fidei, sint in Curia Regis.*

XIX. *Filii Rusticorum non debent ordinari absque assensu Domini, de cujus terrâ nati dignoscuntur.*

Different in particulars of no slight moment are the reported *Clarendon*-Constitutions in the greater History of *Matthew Paris*, first published (as I think) by that Reverend Father *Matthew Parker*, Arch-Bishop of *Canterbury*, whose Archetype, as it was transcribed by a Countrey Vicar, and delivered to the Printer's hands (I have part of that Transcript to witness it, in mine own hands) is but equal in every *Iota* to the published Copy: But as they are here written I have seen them added, without discrepancy of a syllable, at the end of the Life and Death of St. *Thomas* of *Canterbury*, drawn in ancient hand, and out of a quaternity of former Authors, *Herbert* of *Doseham*, *William* a Monk of *Canterbury*, *John* of *Salisbury* and *Alan* Abbot of *Teukesbury*, into a just Volume collected: *Huic libello nostro* (saith the Author, that you may know what work they make here) *inserere studuimus funestum illud & famosum Decreti Chirographum, consuetudines (viz.) illas regias apud Clarendonam promulgatas, quas ideò hic interseruimus, ut legant secula post futura, & hinc cognoscant quàm justa, quàm perspicua fuerit gloriosi Neomartyris Thomæ, primò Exilii & pòst Martyrii causa.* What contention (after confirmation by Oath of the whole Baronage) grew hereupon 'twixt the King and that Canonized Arch-Bishop, is in every Chronologer of those times enough declared. But it cannot be ungratefully received, if both for respect to an old *English* endeavouring Wit, and also for matter, form and phrase of relation, out of *Robert* of *Glocester*, be made this superaddition.

Ex MS. vita Thom. Cantuar.

Robert Glocest. hist. Poet.

No man ne might thenche the love that there was
Bitwene the K. H. and the gode man S. Thomas;
The diuel had enui therto, and set bitwen them feu,
Alas, alas thulke stond, vor all to well it greu.
Vor there had ere ibe kings of Luther dede
As W. Bastard, and his son W. the rede.
That Luther Laws made inou, and held in al the lond
The K. uold not beleue the lawes that he fond,
Ne that his elderne hulde, ne the godeman S. Thomas
Thought that thing age right neuer law uas.
Ne sothnes and custom mid strength up ihold,
And he wist that vre dere Lourd in the Gospel told
That he himselfe was sothnes, and custum nought,
Theruore Luther custumes he uould graent nought.
Ne the K. uould bileue that is elderne ad ihold,
So that conteke sprung bituene them manifold.
The K. drou to right law mani Luther custume,
S. Thomas thom withsed, and granted some.

The

The Lawes that icholle now tell he granted vawe.
Zuf a yuman hath a sone to clergi idraw
He ne sall without is lourdes icrouned nought be,
Vor yuman ne mai nought be made agen is lourds will free.

In the eighteenth of *Clarendon* Customs is the substance of this particular; where *Rusticorum* interpreted Yumen in this Poet, is mentioned: To both, as a Synonymy, is *homines* used as well in the Law-Annals of later times, and in Writs of *Ven. fac. xii tam milites quam alios liberos & legales homines de vicineto, &c.* as in older Constitutions before expressed. ȝemen is the common allowed *Saxon* root, whence our now usual name of Yeoman had his beginning: but my conceit with a painted imposture deceives me, if the ancient *Latin* be not Father of both, but in a Dialect different. Nor let it be a fault *ad Appios & Coruncas redire*, some taste in Yeomen is of *Homines*, but more of *Hemones*, which in *Ennius* and *Festus*, is not otherwise significant, than *Themen* in *English*, altered only in Character in ȝemen the *Saxon* word. But to my Law-rhythms again;

Reg. Indic. fol. 7.

Fest. in verb. Hemones. Paul. Merul. ad lib. 1. annal. Ennii.

Another thing he granted eke as ye mow nouise;
Yuf a man of holi Chirch hath eni lay fee;
Parson, other what he be, he ssal do therevore
Kings service that there ualth, that is right ne be vorlore,
In plaiding and in assise be and in judgement also.
Bote war man ssal be bilemed, other to deth ido.
He granted eke yuf eni man the Kings traitor were,
And eni man is chateux to holi chirch bere
That holi chirch ne solde nought the chateux there let
That the K. there other is as is owne is ne wette.
Vor all that the felon hath the Kings it is
And eche man mai in holi church is owne take iwis.
He granted eke that a chirche of the Kings fe
In none stede ene and ever ne ssold igiue be
As to hous of religion, without the Kings leve,
And that he other the patron the gift first gave.
S. Thomas granted well these and other mo,
And these other he withsede that did him well woe.

I. Yuf bituene twei leud men were eni striving,
Other bituene a leud and a clerc, for holi chirch thing,
As vor vouson of chirch whether shold the chirch give,
The K. wold that in his court the ple ssold be driue;
Vor as much as a leud man that the o parti was
Chanliche was under the K. & under no bishop nas.

What he styles *Lewedmen*, is by our common phrase Lay-men, *Leudes* in the old *Teutonique* and *Saxon* (as Λάος in *Greek* from Λᾶας, *i. e.* a Stone, referred, as *Pindar* hath it, to that mythick instauration of hard mankind by *Deucalion* and *Pyrrha*) is equivalent to the *Multitude* or *common people*, in the present *English*.

Pind. Olymp. 9. Lipsius lib. 5. Poliorceticon

For

Chauc in Prolog and *in the* Somners *tale.*

For yef a Priest be foule, on whome we trust,
No wonder is a leude man to rust.

But then the ignorant are by it noted, rather than who are not Clerks; For the same *Jeoffrey* in another place saith,

This every leud Vicar and Parson can say.

Robert of *Gloceſter* ſpeaks again:

II. Another was no biſhop, ne clerc nathe mo,
Ne ſolde without Kings leue out of this lond go.
And than hii ſolde ſuere upe the boke pwis.
That hii ne ſold purchas no vbel the K. ne none of is.

III. The thrid was yuf eni man in mauſing were ibrought,
And ſuth come to amendment, ne age were nought,
That he ne ſuore up the boc, ac borowes find ſolde
To ſtand to that holy Chirch there of him toky wold.

IV. The verth was that no man that of the K. huld ought
In cheiſe or in eni ſervile in mauſing were ibrought,
Bote the wardeins of holy chirch that brought him thereto,
The K. ſede or is bailifes wat he ad miſdo,
And loked verſt were thei to amendment it bring,
And bote hii wolde by their leue do the mauſing.

V. The vift was, that Biſhoprikes and Abbeis alſo
That vacans were of prelas in the K. hand were ido,
And that the K. ſold all the land as is owne take,
Uort at laſt that him luſt eni prelat there make.
And than thulke prelat ſould in is chapel ichose be.
Of is clarks which he wuld to ſuch prelate biſe.
And than wan he were ichose in is chapel right there,
Homage he ſolde him do ar he confirmed were.

VI. The ſixt was yuf eni play to chapitle were idraw,
And eni man made is appele, yuf me dude him unlaw,
That to the Biſhop from Ercedeken is appele ſold make,
And from Biſhop to Arcebiſſop and ſuth none other take,
And but the Ercebiſſops court to right him wold bring,
That he ſold from him be cluthe biforе the King.
And from the K. non other mo ſo that attan end
Plaining of holi chirch to the K. ſhold wend.
And the K. amend ſolde the Ercebiſſops dede,
And be as in the Popes ſtede, and S. Thomas it withſtede.

VII. The ſeuenthe was that plaiding that of det were
To yeld wel thoru truth iplight, and nought ihold nere
Althei thoru truth it were, that ple ſold be ibrought
Biforе the K. and is bailies and to holy chirch nought.

VIII. The

VIII. The eighth was that in the lond citation none nere
Thoru bull of the Pope of Rome, and clene bileued were.

IX. The nithe was that Peters pence that me gadereth manion
The Pope nere nought on iſend, ac the K. ethone.

X. The tethe was puf eni Clarke as felon were itake,
And bor felon iproued and ne might it not forſake,
That me ſold him berſt diſordein and ſuth thoru there law,
And thoru judgement of the land bong him other to draw.
Hor theſe and bor other mo the Godeman S. Thomas
Fleu berſt out of Englond and eke imartred was;
Hor he ſei there uas bote o way, other he muſt ſtiffe be;
Other holy chirch was iſent, that of right was ſo fre.

Abſolution of the Prelates Oath, which among others confirmed what he ſoon made retractation of, was obtained from *Alexander* the Third, Biſhop of *Rome*; who gave an inſolent repulſe to the Kings Ambaſſadors, ſent for his ratification of that which the Baronage had thus concluded. The King herewith exceedingly provoked, made preſent diſpatch of Letters to every Sheriff in the Kingdom, thus pronouncing;

XIX. *Præcipio tibi, quod ſi aliquis Clericus, vel Laicus in ballivâ tuâ, Romanam Curiam appellaverit, eum capias & firmiter teneas, donec voluntatem meam præcipiam; & omnes redditus Clericorum Archiepiſcopi, & poſſeſſiones ſeiſias in manum meam, & omnium Clericorum qui cum Archiepiſcopo ſunt, patres, matres, fratres, ſorores, Nepotes, & Neptes pones per ſalvos plegios, & catalla eorum, donec voluntatem meam inde præcipiam. Et hoc breve tecum afferas cùm ſummonitus fueris.* Matth. Paris pag. 137.

XX. *Si quis inventus fuerit ferens literas D. Papæ* (this is ſpoken of before in my Poet) *vel mandatum, aut Thomæ Archiepiſcopi, continens interdictum Chriſtianitatis in Angliâ, capiatur & retineatur, donec inde voluntatem meam præcipiam.* But in the Annals of *Roger* of *Hoveden*, *Dedo ſicut de Regis traditore & regni, ſine dilatione juſtitia fiat.* Roger de Hoved. annal. 2. fo. 284.

XXI. Promulgation alſo, by way of prohibition, was made of moſt of the former diminutions of Papal or Epiſcopal authority: The Clergy-men, that were beyond Sea, under forfeiture of their Livings, were charged, by Summons in their places of *due reſidence*, to return.

XXII. *Londonienſis & Norwicenſis Epiſcopi ſummoneantur, & ſint coram Juſtitiariis Regis ad rectum faciendum, quod contra Statuta regni interdixerunt terram Comitis Hugonis, & in ipſum ſententiam anathematis intulerunt.* Matth. Paris.

XXIII. *Denarii S.* Petri *colligantur & cuſtodiantur.*

XXIV. In the 22*th* of his Reign at *Nottingham*, *celebravit* (ſaith *Hoveden*) *magnum Concilium de Statutis regni ſui, & coram Rege filio ſuo, & coram Archiepiſcopis, Epiſcopis, Comitibus & Baronibus regni ſui communi omnium conſilio diviſit regnum ſuum in VI. partes, per quarum ſingulas tres Juſtitiarios Itinerantes conſtituit;* Here was the infancy of that form of Circuits by Juſtices in Eyre, whoſe names and deſcribed limits my Author in a Sexpartite diviſion hath remembred. *Et poſtea* (you hear him again) *fecit D. Rex omnes prædictos Juſticiarios jurare ſuper Sacroſancta Evangelia, quod ipſi bonâ fide & ſine malo ingenio, has ſubſcriptas* Hoveden part. 2. p. 313. Quadripartitam etiam regni ad hunc modum ſub eodem principe habes diviſionem apud eundem, fo. 337.

ſubſcriptas aſſiſas cuſtodirent, & inviolabiliter ab hominibus regni facerent cuſtodiri; The ſubſcribed Articles with this Title thus he hath Recorded:

Aſſiſæ Henrici Regis *factæ apud* Clarendon *& renovatæ apud* Northamtune.

V. Camden in Ord. Angl. pag. 123. quicum conferas Feud. lib. 2. tit. 10. & 21. quin & Malmesb. hiſt. Nov. lib. 2. fol. 103. l. 25. ſolidatus, *&c.* Reg. Brev. Judic. fo. 1. in Hab. fac. viſ.

XXV. *SI quis rectatus fuerit coram Juſticiis D. Regis de murdro, vel latrocinio, vel roberia, vel receptatione hominum tale facientium, vel de falſoneria, vel iniquâ combuſtione, per Sacramentum XII. militum de Hundredo, & ſi milites non adfuerint* (I here underſtand by *Milites* no other than ſuch as were *fendatorii*, or held of ſome Superior by Knight's ſervice, thereby diſtinguiſhed from *milites ſolidarii* or *Servientes*, i. e. hired Soldiers, and both from the name of dignity uſed in ceremonious Chivalry far ſeparated) *per Sacramentum XII. liberorum & legalium hominum, & per Sacramentum IV. hominum de unaquâque villa Hundredi, eat ad Judicium Aquæ* (*i. e.* to the watry Ordeal, deſcribed with the fiery in *Lambard*'s expoſition of words before his *Saxon* Laws, and in the Antiquities of the Church of *Britany*, publiſhed, as I ſuppoſe, by *Matthew Parker* Archbiſhop of *Canterbury*) *& ſi perierit, alterum pedem amittat*; And *apud NORTHAMTUNE additum eſt pro rigore Juſtitiæ, quod dexterum ſimiliter pugnum cum pede amittat, & regnum abjuret & infra XL. dies à regno exulet; Et ſi ad aquam mundus fuerit, inveniat plegios, & remaneat in regno, niſi rectatus fuerit de murdro vel aliquâ turpi feloniâ per commune Comitatus & legalium militum patriæ: de quo, ſi prædicto modo rectatus fuerit, quamvis ad aquam mundus fuerit, nihilominus infra XL. dies à regno exeat, & catalla ſua ſecum aſportet, ſalvo jure Dominorum ſuorum, & regnum abjuret in miſericordia D. Regis.*

XXVI. *Nulli liceat, neque in burgo, neque in villa, hoſpitari aliquem extraneum ultra unam noctem in domo ſua, quem ad rectum habere noluerit, niſi hoſpitatus ille eſſonium rationabile habuerit, quod hoſpes domus monſtret vicinis ſuis, & cum receſſerit, coram vicinis recedat & per Diem.*

XXVII. *Si quis ſeiſitus fuerit de murdro, vel de latrocinio, vel roberia, vel falſoneria, & inde ſit cognoſcens, vel de aliqua alia felonia, quam fecerit, coram præpoſito Hundredi, vel Burgi, & coram legalibus hominibus, id poſteà coram Juſtitiis negare non poterit. Et ſi idem ſine ſeiſina coram eis aliquid hujuſmodi recognoverit, hoc ſimul coram Juſtitiis negare non poterit.*

XXVIII. *Si quis obierit Francus tenens, hæredes ipſius remaneant in tali ſeiſina, qualem pater ſuus habuit die qua fuit vivus & mortuus, de Feodo ſuo, & catalla ſua habeant unde faciant diviſam defuncti, & dominum ſuum poſteà requirant, & ei faciant de relevio & aliis, quæ eis facere debent de feodo ſuo.*

XXIX. *Si hæres fuerit infra ætatem, Dominus feodi recipiat Homagium ſuum, & habeat in cuſtodiâ illum quamdiu debuerit; alii Domini, ſi plures fuerint, homagium ejus recipiant, & ipſe faciat eis quod facere debuerit.*

XXX. *Uxor*

XXX. *Uxor defuncti habeat dotem ſuam, & partem de catallis ejus quæ eam contingit,* which by the Law in thoſe days was a third part, if the dead had left iſſue, but a moity, if he were *ἄτεκνος.* Ranulph de Glanv lib. 7. ca. 5. Bract. lib. 2. de acq. rer. dom. cap. 26. ſect. 2.

XXXI. *Si Dominus feodi negat hæredibus defuncti ſeiſinam ejuſdem feodi quam exigunt, Juſtitiarii D. Regis faciant inde fieri recognitionem per XII. legales homines, qualem ſeiſinam defunctus inde habuit die qua fuit vivus & mortuus;* This is the very *Mortdanceſter; Et ſicut recognitum fuerit, ita hæredibus ejus reſtituant; & ſi quis contrà hoc fecerit & inde attaintus fuerit, remaneat in miſericordiâ Regis.*

XXXII. *Juſtitiæ Domini Regis faciant fieri recognitionem de diſſeiſinis factis ſuper aſſiſam, à tempore quo D. Rex venit in Angliam proximo poſt pacem factam inter ipſum & Regem filium ſuum.*

XXXIII. *Juſtitiæ capiant fidelitates D. Regis infra Clauſ. Paſch. & ad ultimum infrà Clauſ. Pentecoſt. ab omnibus videlicet Comitibus, Baronibus, Militibus & liberè tenentibus, & etiam ruſticis qui in regno manere voluerint; & qui facere voluerit fidelitatem, tanquam inimicus D. Regis capiatur.*

XXXIV. *Habent etiam Juſtitiæ præcipere quod omnes illi qui nondum fecerunt homagium & ligeantiam D. Regi, quod ad diem, quem eis nominabunt, veniant & faciant Regi Homagium, & ligeantiam, ſicut ligeo Domino.*

XXXV. *Juſtitiæ faciant omnes Juſtitias & rectitudines ſpectantes ad D. Regem, & ad coronam ſuam, per breve Domini Regis, vel illorum qui in loco ejus erunt, de feodo dimidii milit. & infrà* (If the account of a *Knights fee* be by the annual value, then confidently according to the quadruple proportion of the known Relief, you may affirm it, by *xx l.* Lands; and ſo likewiſe by compariſon with Soccage payment upon the Stat. of *Weſt.* 1. for aid, A fair Fitz chivalier, or a File marryer; but by a calculation prefixed to the red Book of the Exchequer, DCLXXX. Acres make exactly the Summe) *niſi tam grandis ſit querela, quod non poſſit deduci ſine D. Rege, vel talis quam Juſtitiæ ei reponent pro dubitatione ſuâ, vel ad illos qui in loco ejus erunt; intendant tamen pro poſſe ſuo ad commodum D. Regis faciendum.* V. Camden in Ordin. Angl. Caſum item Nevillæ in libr. 7. Relat. D. E. Coke huc refer.

XXXVI. *Faciant aſſiſam de latronibus iniquis, & malefactoribus terræ quæ aſſiſa eſt, per concilium Regis, filii ſui, & hominum ſuorum; per quos ituri ſunt Comitatus.*

XXXVII. *Juſtitiæ provideant quod caſtella diruta prorſus diruantur, & diruenda benè proſternantur; Et niſi hoc fecerint, D. Rex Judicium Curiæ ſuæ de eis habere voluerit, ſicut de contemptoribus præcepti ſui.*

XXXVIII. *Juſtitiæ inquirant de Eſcaetis, de Eccleſiis, de terris, de fœminis quæ ſunt de donatione D. Regis.*

XXXIX. *Ballivi D. Regis reſpondeant ad Scaccarium, tam de aſſiſo redditu, quam de omnibus perquiſitionibus ſuis, quas faciunt in balliviis ſuis, exceptis illis quæ pertinent ad vicecomitatum.*

XL. *Juſtitiæ inquirant de cuſtodiis caſtellorum, & qui, & quantum, & ubi eas debeant, & poſtea mandent D. Regi.*

XLI. *Latro, ex quo capitur, Vicecomiti tradatur ad cuſtodiendum, & ſi Vicecomes abſens fuerit, ducatur ad proximum Caſtellanum, & ipſe illum cuſtodiat donec illum liberet Vicecomiti.*

XLII. *Juſtitiæ faciant quærere per conſuetudinem terræ, illos qui à regno receſſerunt, & niſi redire voluerint infra terminum nominatum, &*

ſtare ad rectum in Curiâ Regis, poſtea utlagentur, & nomina utlagorum afferantur ad Paſcha, & ad Feſt. S. Mich. *ad Scaccarium, & exinde mittantur D. Regi.*

While thus the King made provident Order for Lay-buſineſs, *Hugo à Petra Leonis*, the Pope's Legate in *England*, laboured for dilatation of Church; to whom was granted by the King:

Matth. Paris pag. 177.

XLIII. *Quod de cætero Clericus* (*Matthew Paris* his report) *non trahatur ante Judicem ſecularem perſonaliter, pro aliquo crimine vel tranſgreſſione, niſi pro foreſtâ & laico feudo, unde Regi vel alii D. Seculari laicum debetur ſervitium.*

XLIV. *Ut Archiepiſcopatus, Epiſcopatus, vel Abbatiæ, non teneantur in manu Regis ultra annum, niſi pro causâ evidente, vel neceſſitate urgente.*

XLV. *Ut interfectores Clericorum convicti vel confeſſi, coram Juſticiario regni, præſente Epiſcopo puniantur.*

Rog. de Hoved. part. 2. f. 446.

XLVI. *Quod Clerici duellum facere non cogantur.*

XLVII. *Statuit apud* WOODSTOCK, *quod quicunque forisfecerit ei de foreſtâ ſuâ, ſemel de venatione ſuâ, de ipſo ſalvi plegii capiantur; & ſi iterum forisfecerit, ſimiliter capiantur de ipſo ſalvi plegii; ſi autem tertiò idem forisfecerit, nulli plegii capiantur, ſed proprium corpus forisfactoris*: which concludes what of his Laws common Hiſtories afford.

CHAP.

CHAP. IX.

Richard Ceur de Lion.

THIS *Henry*'s Succeſſor was the ſtout *Richard Ceur de Lion:* Himſelf in Perſon attending the Eaſtern Wars. Diviſion by his Commiſſion was made *for maintaining the Laws and Cuſtomes of the Kingdom*, of the whole Government, 'twixt *Hugh* of *Puſar*, Biſhop of *Durham*, and *William* Biſhop of *Ely*, Lord Chancellor. The ſtream of all, howſoever there was an aſſociation of *Hugh Bardulph* and *William Briwere*, was carried as the Prelates pleaſed, until their ambitious inſolency made a period to their too great authority. After his return Juſtices in Eyre were ſent into every County, *& ſecundùm ſubſcriptorum formam capitulorum* (ſaith *Hoveden*) *proceſſerunt in juſticiis exequendis.* Roger de Hoveden, par. 2. fo. 423.

Forma Procedendi in Placitis Coronæ Regis.

I. *INprimis eligendi ſunt IV. milites de toto Comitatu; qui per Sacramentum ſuum eligant II. legales milites de quolibet hundredo, vel Wapentacco. Et illi II. eligant ſuper ſacramentum ſuum X. milites de ſingulis Hundredis, vel Wapentaccis; vel ſi milites defuerint, legales & liberos homines, ità quòd illi XII. inſimul reſpondeant de omnibus capitulis de toto Hundredo vel Wapentacco.*

Capitula Placitorum Coronæ Regis.

II. *DE placitis Coronæ novis & veteribus, & omnibus quæ nondum ſint finita, coram Juſticiariis D. Regis:*

III. *Item de omnibus recognitionibus & omnibus placitis, quæ ſummonita ſunt coram Juſticiariis per breve Regis, vel capitalis Juſtitiæ, vel à capitali Curiâ Regis coram eis miſſa.*

IV. *Item de Eſcaëtis, quæ ſunt & quæ fuerunt poſtquam Rex arripuit iter verſus terram Jeruſalem, & quæ fuerunt tunc in manu Regis, & ſunt modò in manu ejus, vel non; & de omnibus Eſcaëtis Domini Regis, ſi à mann ſua ſint remotæ, quomodò, & per quem, & in cujus manus devenerunt, & qualitèr & qui exitus inde habuerit, & quos; & quid valuerint, & quid modò valeant, & ſi aliqua eſchaëta ſit, quæ ad D. R. pertineat, quæ in manu ejus non ſit.*

V. *Item de Eccleſiis quæ ſunt de Donatione D. Regis.*

VI. *Item de cuſtodiis puerorum quæ ad D. Regem pertinent.*

VII. *Item de malefactoribus & eorum receptoribus & eis conſentientibus.*

VIII. *Item de maritagiis puellarum vel viduarum, quæ ad D. Regem pertinent.*

IX. *Item de falſonariis.*

X. *Item de Interfectoribus Judæorum, qui ſint, & qui vadii Judæorum inter-*

interfectorum, & catallis, & terris, & debitis, & chartis, & quis ea habuerit, & quantum eis debuerit, & quæ vadia habuerint, & quis ea teneat, & quantum valeant, & quis exitus inde habuerit, & quos: & omnia vadia & debita Judæorum interfectorum capiantur in manum Reg. & qui ad occisionem Judæorum fuerunt, & non fecerunt finem cum D. R. vel Justitiariis suis, capiantur, & non deliberentur nisi per D. R. vel Justitiarios suos.

XI. *Item de omnibus auxiliis datis ad redemptionem Domini Regis* (which were for his ransome out of the hands of the Emperour *Henry*..... to whom *Limpold* Duke of *Austria*, who took him Prisoner, had sold him and amounted to CXL. Marks of Silver) *quis quantum promiserit, & quantum reddiderit, & quantum aretro sit.*

XII. *Item de Fautoribus Comitis Johannis* (it was his Brother who affected the *English* Diadem, in the time of *Richard*'s Captivity) *qui finem fecerunt cum D. Rege & qui non.*

XIII. *Item de Catallis Comitis Johannis, vel fautorum ejus, quæ ad usum D. Regis non sunt conversa, & quantum Vicecomites receperunt, vel ballivi sui, & quis aliquid contra antiquas consuetudines regni dederit.*

XIV. *Item de omnibus terris Comitis Johannis, de Dominicis & Wardis, & Escaetis, & de donis suis; & quâ de causâ data sunt ei illa dona, & omnia dona Comitis Johannis capiantur in manum Regis, præterquam illa quæ per Regem confirmata sunt.*

XV. *Item de debitis & finibus quæ debentur Comiti Johanni & quâ de causâ, & omnia exigantur ad opus D. Regis.*

XVI. *Item de fœneratoribus & eorum catallis, qui mortui sunt.* For by an old Law of the Confessor, Usury under pain of loss of the Offender's substance, is forbidden.

Leg. Ed. Confess. cap. 37.

XVII. *Item, de vinis venditis contrà assisam, & de falsis mensuris, tam vini quam aliarum rerum.*

Vide Guil. de novo Burgo Rer. Angl. lib 3. cap. 22.

XVIII. *Item de cruciatis mortuis ante iter suum arreptum versus Jerusalem, & quis eorum catalla habuerit, & quæ, & quanta.*

XIX. *Item de magnis assisis, quæ sunt de centum solidatis terræ, & infrà.*

XX. *Item de defaltis.*

XXI. *Præterea in quolibet Comitatu eligantur 4. Milites, & unus Clericus, Custodes placitorum Coronæ, & nullus Vicecomes sit Justitiarius in vicecomitatu suo, nec in Comitatu, quem tenuerit post primam Coronationem D. Regis.*

Annexed is to all these an intricate kind of Inquisition, appropriated to that time, of the Kings profits in Wards, and Escaets, with Farms, and other Country-Commodities, which would receive larger place here, than the inconveniency demands.

Guil. Neubrig. lib. 5. cap. 4. Matth. Paris 237. post Hovedenum pag. 423.

XXII. *Omnia debita & vadia Judæorum imbrevientur, terræ, domus, redditus & possessiones. Judæus vero, qui aliquid horum celaverit, sit in forisfacturâ D. Regis de corpore suo, & concelamento, & de omnibus possessionibus suis, & omnibus catallis suis, nec unquam concelamentum Judæo recuperare licebit:* With particular form of Place and Persons, where, and before whom this imposition might be performed.

XXIII. For especial exercise in Chivalry, that practice might breed skill, and both alacrity to Arms, he instituted by grant, *Tornements*, but not without certain restraints; as by his Charter thereof

thereof made to *Hubert* Archbiſhop of *Canterbury*, and reported in the red Book of the Exchequer, is thus apparent; *Sciatis nos conceſſiſſe, quod Torneamenta ſint in Angliâ, in quinque plateis inter Sarum & Wilton, inter Warwick & Kelingworth, inter Stamford & Walingford, inter Brakeley & Mixeber, inter Bly & Tikehill: Ita quod pax terræ meæ non infringatur, nec de foreſtis noſtris damnum inferatur. Et Comes, qui ibi torniare voluerit, dabit nobis XX. Marcas* (underſtand it of Silver) *& Baro X. Marcas; & Miles, qui terram habuerit, IV. Marcas, & qui non habuerit, II. Marcas. Nullus autem extraneus ibi torniabit; unde vobis mandamus quod ad diem Torneamenti habeatis ibi II. Clericos, & II. Milites veſtros, ad capiendum ſacramentum de Comite & Barone, quod vobis de prædictâ pecuniâ ante Torneamentum ſatisfacient; & quod nullum torniare permittant, antequam ſuper hoc ſatisfecerit; Et X. Marcas pro cartâ ad opus noſtrum capiatis, unde Comes Sarum & Comes de Clara & Comes de Warrena plegii ſunt. Teſte meipſo apud villam Epiſcopi, xxii. die Auguſti.* Firſt uſe of theſe Torneaments was (as *William* of *Newborough* delivereth) in the time of *Stephen*, prohibited under *Henry Fitz-L'Empres*, and by this Lyon-hearted Prince, to Martial Honor, reſtored. Lib. Rub. Scacc.

XXIV. *Præcepit, quod omnes, qui chartas habebant, venirent ad novum ſigillum ſuum* (this new Seal was, after the old loſt, with one *Roger*, the King's Vice-Chancellor, drowned in the *Cyprian* Sea) *ad chartas ſuas renovandas.* Roger de Hoveden, pag. 424, & 440.

XXV. *Conſtitutum eſt, quod omnes menſuræ totius Angliæ ſint ejuſdem quantitatis, tam de bladis, quam de leguminibus & de rebus conſimilibus; ſcilicet una bona ſumma æqui: & hæc menſura ſit rata, tam in Civitatibus & Burgis quam extra; Menſura etiam vini & Cereviſiæ, & cunctorum liquorum, ſit ejuſdem quantitatis, ſecundum diverſitatem liquorum; Pondera etiam & libræ, & cæteræ Peſiæ, ſint ejuſdem quantitatis in toto regno, ſecundum diverſitatem mercaturarum.*

XXVI. *Menſuris Bladorum & liquorum, vini & Cereviſiæ, inclaventur claves, ne per dolum poſſint falſari.*

XXVII. *Lanei Panni, ubicunque fiunt, fiant de eâdem latitudine, ſcilicet de duabus ulnis infra liſuras, & ejuſdem bonitatis in medio & in lateribus.*

XXVIII. *Eadem ulna ſit in toto regno, & ejuſdem quantitatis, & ulna ſit ferrea.*

XXIX. *Ne quis Mercator prætendat Seldæ ſuæ rubros pannos, vel nigros, vel ſcuta, vel aliqua alia, per quæ viſus emptorum ſæpe decipiuntur, ad bonum pannum eligendum.*

XXX. *Nulla tinctura vendenda, niſi ſolummodò nigra, nec fiat* (ſo I diſtinguiſh the words) *alicubi in regno, niſi in capitalibus civitatibus, aut Burgis IV. aut VI. legales homines de ipsâ villâ ſecundùm quantitatem villæ; ſimiliter, in vicecomitatu; aut cum præpoſitis Civitatis aut Burgi, ſi in manu Vicecomitis non fuerint, aſſignentur ad aſſiſam cuſtodiendam; ſcilicet ſub hâc formâ, ut ipſi videant & certi ſint quod omnia vendantur, & emantur per eandem menſuram, & omnes menſuræ ſint ejuſdem quantitatis, ſecundùm diverſitatem mercium.*

XXXII. The puniſhment of the offenders, was *corpora eorum capiantur, in carcerem detrudantur, & omnia quæ ipſius ſunt, ad fiſci commodum, ſeiſiantur.* Matth. Paris, pag. 257.

XXXIII. If the inſtituted Comptrollers fail in that truſt committed to them, *de catallis ſuis in miſericordia Regis remaneant.*

XXXIV. An

Hoveden part 2. f. 443.

XXXIV. An Aid of 5 *s.* the *hide*, was taken through the Kingdom: for collection were Commiſſions granted, and power of conventing the Land-tenants, and charging them by Oath to make true report of Hides in every Mannor; *Ad pœnam verò Juratorum, qui aliquid contra Juramentum ſuum celaverint in hoc negotio, ſtatutum erat, quod quicunque Ruſticus convictus fuiſſet de perjurio, daret domino meliorem bovem de carucâ ſuâ, & inſuper reſponderet de proprio ad opus D. Regis, tantum pecuniæ, quantum fuiſſet declaratum per ſuam perjuriam fuiſſe celatum.* Tempore E. 1. tit. Avowry 103. & Reg. orig. fo. 9. a. *Si verò liber homo* (by the oppoſite of the title (*Ruſticus*) I conceive generally *Tenants in ancient demeſne*, which are not allowed the addition of Freeman, and Copyholders) *convictus fuiſſet, eſſet in miſericordiâ Regis, & inſuper refunderet de proprio, ad opus D. Regis, quantum fuerit per eum celatum, ſicut & Ruſticus.*

XXXV. *Statutum fuit, quod quilibet Baro cum Vicecomite faceret diſtrictiones ſuper homines ſuos, &, ſi per defectum Baronum, diſtrictiones factæ non fuiſſent, caperetur de dominico Baronum quod ſuper homines ſuos reſtaret reddendum, & ipſi Barones ad homines ſuos inde caperent: & libera feoda Eccleſiarum parochialium de hoc Tallagio excipiebantur, & omnes excaet. Baronum quæ fuerunt in manu Domini Regis, communicaverunt.*

10. li. 6. Avowry 267. 11. li. 4. fo. 31. b.

XXXVI. *Serganteriæ D. Regis, quæ non erant de feodis militum, excipiebantur:* Take it of Graund or petit Serjeanty, and it fully accords with ſome Term Books, of later times allowed, and publiſhed.

Capitula Placitorum Coronæ D. Regis,

Hoveden part 2. fo. 445.

WHereof *Hugh Bardulph*, *Roger Arundel*, and *Geffrey Harſet*, Juſtices in Eire through the Northern parts, held Plea.

XXXVII. De omnibus aſſiſis, & de magnis aſſiſis, uſque ad X. libratas terræ, & infrá.

XXXVIII. De Advocationibus Eccleſiarum, & capiantur coram eis electiones magnæ aſſiſæ per mandatum D. Regis, vel ejus capitalis Juſtitiæ.

XXXIX. De Eccleſiis vacantibus vel non vacantibus, quæ fuerunt de donatione D. Regis.

XL. De Excaetis D. Regis.

XLI. De Donationibus & de valectis, & puellis, quæ ſunt, vel eſſe debent, in donatione D. Regis, & de valentiis terrarum ſuarum, & ſi quis eorum vel earum ſit maritatus, & inquiratur cui, & per quem, & à quo tempore.

XLII. Quæ viduæ non finierunt pro ſe maritandis, & finis capiatur ad opus D. Regis.

XLIII. De Serganteriis D. Regis, quis ea habet, & per quem, & quantum valent, & qui finem non fecerunt ad auxilium Domini Regis (look before in *art. xxxvii.*) *& qui fecerunt, & finis capiatur.*

XLIV. De uſuris Chriſtianorum, & eorum catallis, qui ſunt mortui.

XLV. De illis, qui ſunt in miſericordiâ Regis, & non amerciati.

XLVI. De purpreſturis D. Regis.

XLVII. De viis D. Regis eſtreciatis.

XLVIII. De theſauris inventis.

XLIX. De malefactoribus & eorum receptoribus.

L. De fugitivis retatis, reverſis poſt ultimam aſſiſam.

LI. De

LI. De omnibus ponderibus, & menſuris, & ulnis renovatis, & ſi IV. homines (refer hither the *xxxii.* Article) *qui ſunt attornati ad hæc cuſtodienda in unaquâque villâ, fecerint quod inde ſtatutum eſt, & ſi attachiaverint tranſgreſſores illius aſſiſæ, & ſi non attachiaverint, prout debent, puniantur ſicut ipſi tranſgreſſores.*

LII. Totum vinum illius qui vendidit contra aſſiſam, capietur ad opus D. Regis, & prætereà Dominus vini & venditores, ſint in miſericordiâ Regis.

LIII. Of defaults in the Commiſſioners appointed for levying the aids.

LIV. De Cuſtodibus portuum maris, ſi quid receperunt quod non reddiderunt, & ſi mercedem aliquam receperunt pro jure Regis retinendo, & ſi quis aliquid receperit, qui non fuerit ad hoc attornatus.

The Juſtices of the Foreſt, *Hugh* of *Nevill* chief Juſtice, *Hugh Wac*, and *Erniſe* of *Nevil* made their Circuits, authoriſed by the King's Commiſſion; that in every County, where they were to paſs, they ſhould call before them *ad placita foreſtæ*, Archbiſhops, Biſhops, Earls, Barons, all Free-holders, the chief of every Town, and IV. Yeomen *ad audienda præcepta Regis.*

Hæc eſt aſſiſa D. R. & hæc ſunt Præcepta de foreſtis ſuis in Anglia, facta per aſſenſum & Conſilium Archiepiſcop. & Epiſc. & Abbat. Comit. & Bar. & Militum totius regni.

LV. THat none ſhould truſt, in hope of eaſie compoſition for offences, touching Veniſon, or other matters of the Foreſt, but that Juſtice ſhould be done to the Convict, *qualis facta fuit tempore Henr. avi patris D. Regis* (viz.) *ut amittant oculos & teſticulos.*

LVI. That none preſume to keep Bowes, Arrowes, Grey-hounds, or other Dogs in the King's Foreſt, *niſi habeant ipſum Regem ad Warrantum ſuum, vel aliquem alium, qui eum poſſit inde warrantizare.*

LVII. Quod nullus donet vel vendat aliquid ad deſtructionem boſci ſui, vel ad waſtum quæ ſit infrà foreſtam Regis, ſed concedit bene quod capiant de boſcis ſuis quod neceſſe eis fuerit, ſine waſto, & hoc per viſum foreſtarii ſui & viridariorum ſuorum.

LVIII. Quod omnes illi, qui boſcos habent infrà metas foreſtæ D. Regis, ponant idoneos foreſtarios in boſcis ſuis, de quibus foreſtariis ipſi, quorum boſci fuerint, ſint plegii, vel tales inveniant plegios idoneos, qui poſſunt emendare, ſi foreſtarii in aliquo forisfecerint, quod D. Regi pertineat.

LIX. That the King's Foreſters take ſpecial ſurvey, leſt other Mens Woods, *intrà metas foreſtæ*, be deſtroyed; *& ſciant benè illi, quorum boſci fuerint, quòd de ipſiſmet, vel de eorum terris, capietur emendatio, & non de alio.*

LX. Quod ſui foreſtarii jurent, quod ſecundùm omne poſſe ſuum, tenebunt ejus aſſiſam, qualem eam fecit de foreſtis ſuis, & quòd non vexabunt milites, neque probos homines, de hoc quod D. Rex iis conceſſit de boſcis eorum.

LXI. That in every County, where he hath Veniſon, there be placed XII. *milites, ad cuſtodiendam venationem ſuam & viride in foreſtis ſuis, & quod IV. milites ponantur ad adgiſtandos boſcos ſuos, & ad*

recipiendum pannagium ſuum, & cuſtodiendum & defendendum.

LXII. *Quod nullus adgiſtet boſcos ſuos infra metas foreſtæ* (I think you had need tranſlate *metas* into *regard* oft-times among theſe Orders) *antequam boſci eorum adgiſtentur; Et eſt ſciendum quod incipit adgiſtamentum D. Regis XV. Dies ante Feſtum S. Michaëlis, & durat XV. Dies poſt Feſtum S. Michaëlis.*

LXIII. *Si foreſtarius ejus habet in Cuſtodiâ ſuâ dominicos boſcos regis, & boſci illi deſtructi fuerunt, & non poſſit nec ſciat juſtam cauſam monſtrare, quare boſci deſtruantur, nihil aliud capiatur de foreſtario illo, niſi proprium corpus ſuum.*

LXIV. If any Clergyman offend in the Foreſt, *non dubitent Foreſtarii in eos manus imponere, ad eos reſiſtendos & capiendos, ipſe enim eos inde Warrantizabit.*

LXV. That every three Years view be taken of all Aſſarts, as well new as old, and of all purpreſtures, and of all waſts of the woods, and that they be ſeverally inrolled.

LXVI. That Archbiſhops, Biſhops, Barons, Knights, Freeholders and all Yeomen of the Land, appear at the Summons *Magiſtri Foreſtarii ſui, ad placitanda placita de foreſtis ſuis.*

LXVII. *Ne aliqua Caretta exeat Chiminum in Foreſtâ Regis, neque porci ſint in Foreſtâ Regis tempore de Foineſun,* (it is now *à fætatione*, called the Fence, or rather the Fawnes Month) *ſcilicet XV. Diebus antè nativitatem S. Joannis Baptiſtæ, & XV. Diebus poſt idem Feſtum.*

LXVIII. Who ſo ſhall offend in taking the King's Veniſon, and be thereof attainted, ſhall have Judgment of loſs of his Eyes and Genitals; *Qui autem forisfecerit in Foreſtâ Regis de viridi, ſive per culpaturam, ſive per esbrancaturam, ſive per foditionem turvarum, ſive per eſcoriationem moræ, ſive per culpationem de Subvemore, ſive per eſſartum, ſive per novam purpreſturam; per ſepem, vel foſſatam; vel per * remotionem molendini, vel curſus aquæ, vel Bercariæ; vel aliarum domorum, vel per fœnum falcandum extra ſepes vel extra foſſata; erit in miſericordiâ Regis de pecuniâ ſuâ, niſi habeat viridarios, vel foreſtarios Regis ad Warrantum.*

* Al. renovationem.

LXIX. *Similiter qui arcus vel ſagittas portaverint vel Canes duxerint ſine Copulâ per foreſtam Regis, & inde attaintus fuerit, erit in miſericordiâ Regis.*

LXX. *Videnda ſunt in reguardo nova aſſarta & vetera inbladata poſt ultimum reguardum, & quo blado vel legumine inbladata ſunt.*

LXXI. *Nova aſſarta in manu Regis, ſi vetera aſſarta inbladata ſunt de frumento vel ſiligine, unaquæque acra dabit regi XII. denarios de illâ veſtiturâ, & ſi inbladata fuerint de avenâ, vel hordeo, vel fabis vel piſis, vel alio legumine, unaquæque acra dabit regi VI. denarios de illâ veſtiturâ; Et ſciendum eſt quod tempore Henrici Regis F. Mat. IMP. permiſſum erat intrà metas Foreſtæ foſſata fieri loco ſepium.*

LXXII. *Exiit Edictum à Rege, ut quicunque in regno ſuo forisfeciſſet Clerico, aut alii viro religioſo, non cogeretur ſatisfacere illi: ſed ſi Clericus, aut alius vir religioſus, forisfeciſſet alicui laico, ſtatim compelleretur ad ſatisfaciendum illi: unde factum eſt quod viri religioſi ad redemptionem coacti ſunt*: The main end of all was Exchequer profit; which this *Richard* too much labouring for by publiſhed Edicts at home, and contending for by Arms abroad, at length loſt it, and together unluckily his Life.

CHAP.

CHAP. X.

King John *and his Grand Charter.*

THE burden of the State after *Richard*'s death, was laid upon his Brother *John* Earl of *Moreton*. He in the immediate times after his Inauguration, made divers Laws, touching Sale and Prices of *French* Wines, reported in *Roger* of *Hoveden*'s Annals. But all conveniency of Merchandize and they were so incompetible, that they were almost as soon abrogated, as enacted.

Consuetudines Scaccarii super debitis D. R. inquirendis. Roger de Hoveden pag. 463.

I. *STatutum est in Angliâ, & per præceptum D. Joannis confirmatum, quod nullus Vicecomes recipiet aliquem ad præsentationem Baronis in Seneschallum, qui non possit respondere de misericordiâ pertinente ad transgressionem fidei, si fortè in eam inciderit. Quod autem Seneschallus ad præsentationem Baronis, quod pacem faciat Vicecomiti de debitis domini sui ad Scaccarium, intelligendum est quod super Computum Vicecomitis mittatur in prisonam statutam, secundum legem Scaccarii, & debitum Regis capiatur de catallis Domini sui, secundum legem Scaccarii: Quod si fidem præstitam non servaverit, ita quod ad Computum Vicecomitis non venerit, vel si venerit & sine Licentiâ recesserit, corpus ejus capiatur, & in prisonam ponatur statutam, nec deliberetur nisi per speciale mandatum D. Regis. Item mittatur ad terram Domini cujus seneschallus defecerit, & de catallis suis solvatur pecunia quæ debetur, secundum legem Scaccarii, & si pecunia illa debeatur pro fine terræ, & catalla non inveniantur, unde pecunia illa solvatur, ipsa terra, pro quâ finis facta fuit, capiatur in manum D. Regis, & teneatur donec illa pecunia solvatur, secundum legem Scaccarii.*

II. *In pœnâ læsionis fidei, seneschallus, qui finem transgressus fuerit, nunquam de hoc vel de alio debito per fidem suam credatur, vel recipiatur, nec dominus credatur, vel recipiatur de hoc debito, nisi de gratiâ & voluntate Regis, secundum legem & consuetudinem Scaccarii.*

III. *Fecit* (not long after) *generalitèr acclamari, ut legalis assisa Panis inviolabitèr sub pœnâ Collistrigiali observaretur: Quæ probata fuit per pistorem Gaufridi filii P. Justitiarii Angliæ, & pistorem R. de Thurnam. Ita quod pistores poterint sic vendere & in quolibet quarterio lucrari III. Denarios, exceptis brennio & 2. panibus ad furn. & 4. servientibus IV. obolos, 2. gracionibus 1. quadrantem, & in busia III. denarios, & in bultello obolum:* with a proportionate price and weight 'twixt Corn & Bread at large reckoned. Matth. Paris pag. 278.

IV. Celebrating the Christmas at *Bristow, Capturam avium per totam Angliam interdixit.* Idem pag. 303 & 304.

V. *Præcepit per forestas totius Angliæ sepes comburere, & fossata complanare, datis frugibus circumquâque bestiis ad devorandum.*

VI. After transaction of that great controversie 'twixt the King and *Innocent III.* Bishop of *Rome*, publick Commandment was given for observation and maintenance of the Laws of *Henry* his great Grandfather. Hen. 1.

VII. *Denuntiatum est præterea Vicecomitibus, Forestariis aliisque Ministris Regis, sicut vitam suam diligunt, ne à quopiam aliquid violenter extorqueant, vel alicui injuriam irrogare præsumant, aut scottalla alicubi in regno faciant, sicut facere consueverunt.* Idem pag. 320.

But notwithſtanding thoſe general forms of reformation, a more ſerious and recapitulated was deſired by the whole Baronage; A grand Council is appointed at *Paul*'s in *London*, and there by *Stephen* Archbiſhop of *Canterbury*, is produced a Copy of *Henry Beauclerk*'s free Charter (which is before expreſſed) and the ſame delivered to the chief Clerk there, to be openly read & pronounced. As ſoon as the Barons heard it was a uniform conſent, that maintenance and aſſertion of thoſe liberties ſhould reſt, as of more dear account, in their Martial reſolutions, than bloud or life. Nay in ſhort ſpace after, mutual combination by ſolemn Oath taken upon the Altar was made among them, that their band of Fealty diſſolved (for ſo they deemed *John*'s Government had occaſioned) their Swords ſhould compel him to enſeal their demands. To that place, which now only is called the Temple (then the new-Temple) where the King lay in Warlike order, they go to execute their deſigns; He binding himſelf with an interlocutory Sentence, and giving caution of future ſatisfaction, takes day until *Eaſter* following; But all was no leſs deluſory, than dilatory: Nor any thing done with a face of compoſition, until the appointed meeting of the King and Barons (whoſe part hourly encreaſed) in *Renimed, alias Runingmede* near *Staines* in *Middleſex*; whereof in the marriage of *Tame* and *Iſis*, thus ſings no ſmall Favourite of the Muſes;

Camden in agro Middleſex.

Subluit hic (i Thames) *pratum quod dixit* Renimed *Anglus,*
Quo ſedere Duces armis anniſque verendi:
Regis Joannis *cuperent invertere ſceptrum,*
Edvardi Sancti dum leges juraque vellent,
Principe contempto, tenebroſo è carcere duci.

Where an inſtrument of publick liberties, through mediation of what is above all law, Neceſſity, was, as you ſhall hear it ſpeak, ſealed and delivered to the Baronage.

Matth. Paris pag. 341 & ſeqq.

JOHANNES Dei gratiâ Angliæ, &c. *Sciatis nos intuitu Dei, & pro ſalute Animæ noſtræ, & anteceſſorum omnium, & hæredum meorum, & ad honorem Dei, & exaltationem S. E. & emendationem regni noſtri, per conſilium venerabilium patrum noſtrorum Stephani Cant. Archiep. totius Angliæ Primatis, & S. R. E. Cardinalis, Henrici Dublinenſis Archiep. Will. Londonienſ. Epiſc. Petri Wintonienſis, Jocelini Bathonienſ. & Glaſcon. Hugonis Lincoln. Walteri Wigornienſ. Will. Coventrenſis, Benedicti Roffenſis Epiſcoporum, & M. Pandulphi D. P. Subdiaconi, & familiaris fratris M. Militiæ Templi in Anglia, & Nobilium virorum Will. Mareſcalli Com. Penbriæ, Will. Com. Sarisburienſis, Will. Com. Warrenæ, Will. Com. Arundel, Alani de Leweia Conſtabularii Scotiæ, Warini F. Genoldi, Petri F. Herberti, & Huberti de Burgo Seneſcalli Pictaviæ, Hugonis de Nevilla, Matthæi F. Herberti, Thomæ Baſſet, Alani Baſſet, Philippi de Albeni, Robert de Ropeſle, Joannis Mareſcalli & Johannis F. Hugonis, & aliorum fidelium noſtrorum.*

V. ſtat. Weſt. 1. cap. 5. art. cler. ca. 15. de Election.

VIII. *Inprimis conceſſiſſe Deo, & hâc præſenti chartâ noſtrâ confirmaſſe, pro nobis & hæredibus noſtris in perpetuum, quod Anglicana Eccleſia libera ſit, & habeat jura ſua integra, & libertates ſuas illæſas, & ità volumus obſervari, quod apparet ex eo quod libertatem electionum, quæ maxima & magis neceſſaria reputatur Eccleſiæ Anglicanæ, merâ & ſpontaneâ voluntate ante diſcordiam inter nos & Barones noſtros manifeſtè motam, conceſſimus & chartâ noſtrâ confirmavimus, à D. PP. Innocentio tertio confirmari, quam & nos obſervabimus, & ab hæredibus noſtris in perpetuum bonâ fide volumus obſervari.*

IX. *Conceſ-*

IX. *Conceſſimus etiam, & omnibus liberis hominibus noſtris regni Angliæ, pro nobis & hæredibus noſtris in perpetuum, omnes libertates ſubſcriptas, habendas & tenendas eis & hæredibus ſuis, de nobis & hæredibus noſtris.* Theſe premiſſes are in the grand Charter of *Henry* the III. commonly publiſhed in our printed ſtatutes, nor in any word of moment is there a difference found 'twixt this of *John* and that of *Henry*, until the prohibition of diſparagement in marriage of young Wards; which thus commandeth, *hæredes maritentur abſque diſparagatione:* to this is added in a continued ſentence; *Ità tamen, quod antequàm contrahatur matrimonium, oſtendatur Propinquis de conſanguinitate ipſius hæredis.* The VII. and VIII. Chapters of Widows and their Quarentines, with that of the King's debtors, are alſo in like words following: But this of *John* hath this further additament.

X. *Si quis mutuo acceperit aliquid à Judæis, plùs vel minùs, & moriatur antequàm debitum illud perſolverit, debitum illud non uſuret quamdiù hæres eſt infrà ætatem, de quocunque tenet; & ſi debitum iſtud incidat in manus noſtras, nos non capiemus niſi catallum contentum in chartâ*: who elſewhere ſeeks the true underſtanding of the Statute of *Merton* under title of uſury, muſt ſtill remain in an extravagant ſearch, until he return to that expoſition which lies here open.

Merton cap. 6. Confer. 35. li. 6. fo. 61. Plo. Com. fo. 236. Bract. lib. 2. cap. 26. ſect. 2. & iudicem ad Plo. Comm. part 1.

XI. *Si quis moriatur, & debitum debeat Judæis, uxor ejus habeat dotem ſuam, & nil reddat de debito illo; Et ſi liberi ipſius defuncti, qui fuerunt infrà ætatem, remanſerint, provideantur eis neceſſaria, ſecundùm tenementum quod fuerit defuncti: & de reſiduo ſolvatur debitum, ſalvo tamen ſervitio dominorum: ſimili modo fiat de debitis quæ debentur aliis quàm Judæis.*

XII. *Nullum Scutagium vel auxilium ponam in regno noſtro, niſi per commune conſilium regni noſtri* (according is a grant of *E.* 1. in *Thomas* of *Walſingham*'s hiſtory) *niſi ad corpus redimendum* (in the *Norman* Cuſtomary it is *Aide de rançon*, which in an ancient Manuſcript of *xxi Ed.* 1. in the caſe of *Robert* of *Wentham*, I have ſeen releaſed between common Perſons) and *ad primogenitum filium noſtrum militem faciendum, & ad primogenitam filiam noſtram ſemel maritandam; Et ad hoc non fiet niſi rationabile auxilium: ſimili modo fiat de auxiliis de Civitate Londonienſe.* Here is adjoyned the general Franchiſes of *London*, other Cities, Boroughs, Towns and Ports *verbatim* as in the IX. Chapter, which concluded enſues.

Walſing. hiſt. E. 1.

XIII. *Ad habendum commune conſilium regni de auxiliis aſſidendis aliter quam in tribus caſibus prædictis, & de Scutagiis aſſidendis, ſubmoneri faciemus Archiep ſcopos, Ep ſcopos, Abbates, Comites & majores Barones regni, ſingillatim per literas noſtras; Et præterea faciemus ſubmoneri in generali per Vicecomites & Ballivos noſtros, omnes alios qui in Capite tenent de nobis, ad certum diem, ſcilicet ad terminum* 40. *dierum ad minus, & ad certum locum; & in omnibus literis ſubmonitionis illius cauſam exponemus, & factâ ſubmonitione, negotium procedat ad diem aſſignatum, ſecundum conſilium eorum qui præſentes fuerint, quamvis non omnes ſummoniti venerint.*

XIV. *Nos non concædimus de cætero alicui, quod capiat auxilium de liberis hominibus ſuis, niſi ad corpus ſuum redimendum, & ad faciendum primogenitum filium ſuum militem, & ad primogenitam filiam ſuam ſemel maritandam; & ad hoc non fiat niſi rationabile auxilium:* Unto the XVIII. Chapter incluſively of *Henries* Charter from hence, are in both almoſt the ſame ſyllables; But whereas the printed cloſe of the ſame Chapter, is, *Salvis uxori ejus* (*i. e.* of one that is dead) *& pueris ſuis rationabilibus partibus ſuis*, here is further:

XV. *Si quis liber homo inteſtatus deceſſerit, catalla ſua per manus propinquorum*

pinquorum parentum & amicorum, per viſum Eccleſiæ diſtribuantur (ſee Art. IX. in *Hen.* 1.) *ſalvis unicuique debitis, quæ defunctus ei debebat*; and in divers old written Copies of the common and uſual *Magna Charta*'s, the ſelf ſame words continue that Chapter; All is in both alike unto the end of the proviſion for ſafe conduct of Merchants; But thereto in this hiſtorical report ſucceeds,

V. in H. 2. art. 5.

XVI. *Liceat unicuique de cætero exire de regno noſtro, & redire ſalvò & ſecurè per terram & per aquam, ſalvâ fide noſtrâ, niſi in tempore guerræ per aliquod breve tempus propter communem utilitatem regni, exceptis impriſonatis & utlagatis, ſecundùm Legem regni, & gente contra nos guerrinâ, & mercatoribus, de quibus fiat ſicut ſupradictum eſt.* What follows in either is the ſame as well in words as ſence. And as we have now in every Man's hands a Charter of the Foreſt alſo diſtinct from the other, ſo had the Barons then to them granted; and very ſmall or no difference is found between theirs and that, whoſe fore-front is ſince ſigned with King *Henry*'s Name.

I ſuppoſe it fit place and time here to give remembrance of an eſcaped, and in every impreſſion that I have ſeen allowed fault, in the VII. Article of the Foreſt Charter, which by little alteration, and thus pointing, is corrected; *Nullus foreſtarius vel alius balivus de cætero faciat Scottallum, vel colligat herbas,* (you may read *garbas*) *vel avenam, vel bladum aliud, vel agnos, vel porcellos, nec aliquam collectam faciat (niſi,* ſo is the Print but in King *John*'s Copy, and in divers Manuſcripts of our Statutes, one having the ſubſcribed authority of *Exam. per Rot.* I have warrant to read, and diſtinguiſh with a full period at *faciat*, and turning *niſi* into *&* go thus forward) *& per viſum & Sacramentum XII. Regardatorum, quando faciunt reguardum* (taking away the Point there) *tot foreſtarii ponantur ad foreſtas cuſtodiendas, quot ad illas cuſtodiendas rationabiliter viderint ſufficere*; How much the ſence differs, ſmall obſervation ſoon diſcovers.

In Bibliotheca D. Ro Cotton à Connington Eq Aurati.

Strat. Annal. pag. 258.

The concluding Date of theſe granted Franchiſes, and reſtored Laws, *John Stow* ſaith was, Given by our hand in *Runingmede*, betwixt *Stanes* and *Windſor*, the *xvi.* of *June*, the *xvii.* of our Reign: Unto which all the whole Realm was ſworn. But the fluxile nature of this deceitful Prince, aided by Pope *Innocent III.* and his Nuntio *Pandulph*, ſoon looſed that kind of Royal faith and promiſe; As quick were the Barons (they by Oath had bound themſelves to conſtrain him by Arms, if their expectations in his future carriage were fruſtrate) and ready to, and did, revolt. Death of the King prevented their projects, which for this purpoſe in the IX. Year of the ſucceeding *Henry* Fitz *John* (as the firſt page of our printed Volumes of old Acts of Parliament give to every Reader teſtimony) were with ſome eaſe attained, and by his Poſterity, as the main freedom of the *Engliſh* Common-wealth, hath been ſince more than thirty times, by the true authority of the State, in their High-court, confirmed.

Soli Deo Gloria.

Chronologia huic noſtræ inſerviens EPINOMIDI.

Ante CHRISTUM. CIↃ. C. VIII.	Brutus *ille, quem Trojanâ aiunt, ſed potiſſimum Bardi, ſtirpe oriundum, à quo poſt Samotheos (magis* Semnotheos *) ſumus auſpicati, ſed aliena nempe & dubia fide fertur adpuliſſe.*
CCCCXII.	Dunvallo Molmutius.
CCCLVI.	Martia *R.* Guinthilin *Uxor.*
LV.	Julius Cæſar, *Is primum Romanis oſtendit* Britanniam, *& territa* Britannis *terga.*
Ab Incarnato Deo. LII.	Claudio Cæſare *deducta* Camalodunum *colonia Inſulæque pars in præſidialem redacta provinciam.*
CLXXX.	Commodo *Imp. obſignatam recepit palingeneſiam* Lucius *Rex ab* Elutherio *PP.*
Ab Incarnato Deo CDXLIX.	Britanniam *Anglo-Saxones advehuntur,* Theodoſio *Jun. Rom. Imp. Nec multis inde curriculis Annorum interceptis Heptarchas inter quæ jam* Anglia *diſpertita.*
Sed Camdeno è faſtis conſularibus Beda & Ninnio rationibus ſubductis CDXXVIII. *Floruere* DLXI.	Æthelbertus *Rex* Cantii, *Primus Anglo-Saxonum (fœliciſſimo ducta ſibi in uxorem auſpicio* Bertha *Francorum Regis filia) Princeps Chriſtianus.*
DCCCLXXII.	Alfredus *ſeu* Aluredus *Rex.*
DCCCCLIX.	Edgarus *Rex.*
CIↃLXVI.	Willielmus Normanniæ *Dux* Haroldum *conſerta in planitie juxta* Haſtings *in agro* Suthſexienſi *manu, atque* Anglorum *copias devicit. II. Nempe Id.* Octobr. *& regio ſe inſignivit hic titulo.*
CIↃ. LXXXVIII.	Willielmus Rufus *primi Filius.*
CIↃ. C.	Henricus *primus* Rufi *Frater.*
M. CXXXV.	Stephanus Bleſenſis.
Ab Incarnato CHRISTO CIↃ. C. LIII.	Henricus *filius* Matildis *Imp. &* Galfridi *Com.* Andegavenſis.
M. C. LXXXIX.	Richardus *primus* Henr. *Fil.*
M. C. LXXXXIX.	Joannes *R.* Richardi *Frater.*

FINIS.